

**BOARD OF APPEALS
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, ELMIRA, NEW YORK**

**MEETING MINUTES
PUBLIC HEARING**

WEDNESDAY
SEPTEMBER 19, 2007
7:00 P.M.

TOWN HALL
1139 PENNSYLVANIA AVENUE
ELMIRA, NEW YORK, 14904

Board Members Present: Mark Makowiec, Vice Chairman
Deborah Eames
Patricia Opper
Sidney Shepherd

Board Member Absent: Clairmont Ham, Chairman

Town Officials Present: Steven W. Barnstead, Town Attorney
Peter Rocchi, Town Zoning Officer & Building Inspector
Ann Clarke, Town Consultant

Property Owner Present: Billy Gooshaw (Kit Gooshaw, Absent)
25 Woodland Park
Pine City, NY 14871

Concerning Property: Tax Map No. 118.03-2-4 Zoned: Residential One (R-1)
Commonly Known As
25 Woodland Park
Pine City, NY 14871

Vice Chairman Makowiec called the meeting to order and asked if everyone had received minutes of the August 15th meeting and if so, were there any corrections or additions; no changes being requested, Vice Chairman Makowiec asked for a motion to accept the minutes. Mr. Shepherd made a motion to accept the minutes, Ms. Opper seconded the motion; August 15th meeting minutes were unanimously approved.

Vice Chairman Makowiec advised the Board would hold two (2) public hearings tonight; the first public hearing is scheduled for Mr. and Mrs. Gooshaw. The Gooshaws want to add on to the house by creating additional garage space, larger kitchen, living and dining areas.

Vice Chairman Makowiec: Do you have your affidavit and receipt from your public hearing advertisement?

Mr. Gooshaw: Yes, I have given them to Attorney Barnstead.

Attorney Barnstead: The documents appear to be in order. *(The affidavit and receipt from the "Star-Gazette" were reviewed by Attorney Barnstead; documents were presented to Secretary Balok for the permanent file record)*

Vice Chairman Makowiec: What about the roof line?

Mr. Gooshaw: Roofline would be a three-foot (3') to four-foot (4') difference. This will end up being tri-level.

- Mr. Shepherd: The drawing shows an open square. Is that the existing property?
- Mr. Gooshaw: Property addition; current garage and driveway.
- Mr. Shepherd: There is a fence of some kind on one side.
- Vice Chairman Makowiec: Five feet (5') away from fence.
- Mr. Gooshaw: That will all disappear.
- Mr. Shepherd: The other side is available.
- Mr. Gooshaw: Chain link, two (2) gates; plenty of space to get through.
- Mr. Shepherd: I don't see any problems there.
- Vice Chairman Makowiec: Peter, do you have any problem with this?
- Mr. Rocchi: Not really.
- Vice Chairman Makowiec: Anyone else care to speak?
- Mr. Schrom: Bill Schrom, I live a few houses away from Mr. and Mrs. Gooshaw. I personally think this is a good idea and I came here on their behalf. I live on the same side and I do not see any interruption that it would cause the neighborhood.
- Mr. Shepherd: I can't see that it would obstruct any more than anything is right now.
- Mr. Gooshaw: Some residents came in after last month's meeting and spoke with Mr. Rocchi. It seems as though the confusion about this project was cleared up after Mr. Rocchi answered questions that the neighbors had.
- Mr. Rocchi: I did talk with the neighbors who had questions. They were provided with the information that answered their concerns.
- Mr. Gooshaw: The confusion was brought about because some of the neighbors thought we were going to build a garage and then work on cars. That is not what we are doing there. We are just adding on to the garage space, larger kitchen, living and dining areas.
- Mr. Shepherd: Work on cars is another story.
- Vice Chairman Makowiec: Anyone else care to speak? If not, the public hearing is closed. Any discussion up here on the Board?
- Mr. Shepherd: Looking this over, I can't see anything wrong. This will be an asset to the neighborhood and this is wide open.

Vice Chairman Makowiec: I looked at it too. There is no problem with the view.

Mr. Gooshaw: We love Pine City and we needed a larger house, so we thought this addition would be the best way to stay in the area.

Ms. Clarke: Part of the reason for the need for the variance, as the applicant outlined, is the keeping the existing kitchen and why they need to keep the design this way; to do something other would be a significant expense to the applicants.

Mr. Shepherd: I can't see we would have any problems with it.

Vice Chairman Makowiec: Did you receive the four (4) questions at last month's meeting concerning an area variance? We have actually already covered the first one concerning the alleged hardship being unique.

Mr. Gooshaw: My other half (Kit Gooshaw) has all the paper work with her, but she was unable to attend the meeting tonight. She has all the questions answered and all the information is with her.

Ms. Clarke: What about meeting the objective, is there any problem?

Mr. Gooshaw: No.

Ms. Clarke: Is the difficulty self-created? Actually, the shape of the lot is creating the issue not what the applicant is doing.

Mr. Gooshaw: That is right.

Vice Chairman Makowiec: How about question number four?

Mr. Gooshaw: Not without significant financial impact.

Vice Chairman Makowiec: Any other questions? If not, I will entertain a motion to vote on the variance for the Gooshaws.

Ms. Clarke: This would be a Type Two under SEQ, so the Board doesn't have to do that review.

Mr. Shepherd: I make a motion we vote on the variance for the Gooshaws with a yes vote granting the variance and a no vote denying the variance.

Ms. Eames: I second the motion.

Vice Chairman Makowiec: A motion has been made and seconded. Is there any discussion on the motion? If not, Bonnie will you call the roll?

Secretary Balok: Called the roll. Mr. Shepherd-Yes, no problem with this variance with all the criteria being discussed concerning an area variance. Ms. Eames-Yes; Ms. Opper-Yes; Vice Chairman Makowiec-Yes. Unanimous vote yes. Variance granted.

Adjourned: 7:15 p.m.

Original on File

C: All Board Members	Board of Appeals
All Town Council Members	Town Council
Town Supervisor	Mr. David Sheen
Town Clerk	Ms. Carolyn Renko
Town Assessor	Ms. Catherine Broschart
Town Building Inspector & Zoning Officer	Mr. Peter Rocchi
Town Attorney	Steven W. Barnstead, Esquire
Planning Board Chairman	Mr. John Scida
Town Consultant	Ms. Ann Clarke
Billy and Kit Gooshaw	
25 Woodland Park, Pine City, NY 14871	

Transcribed: September 20, 2007
Bonnie J. Balok
Secretary-Board of Appeals
Town of Southport

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Deborah Eames
Patricia Opper
Sidney Shepherd

Board Member Absent: Clairmont Ham, Chairman

Town Officials Present: Steven W. Barnstead, Town Attorney
Peter Rocchi, Town Zoning Officer & Building Inspector
Ann Clarke, Town Consultant

Property Owners Present: Kenneth Miller, Deacon
(Sent by Pastor Richard Hack as Representative of Church)
and
Joseph Cady
o/b/o Independent Baptist Church & Pastor Richard Hack
719 Holdridge Street
Elmira, NY 14904

Concerning Property: Tax Map No. 99.14-2-40 Zoned: Residential Two (R-2)
Commonly Known As
719 Holdridge Street
Elmira, NY 14904

Vice Chairman Makowiec called the meeting to order and advised this is a public hearing for the Independent Baptist Church concerning an area variance needed to have a permanent awning over the front stoop of the church.

Vice Chairman Makowiec: Who is here tonight representing the church?

Mr. Miller: Ken Miller.

Vice Chairman Makowiec: Do you have the authority to represent the church in this matter?

Mr. Miller: I was sent by Pastor Hack and I am a Deacon; I have the authorization to serve as representative for the church. Currently there is just a concrete porch in front of the church facing Holdridge Street. We had a wrought iron railing, but want to continue running a railing made of metal to match the church.

Mr. Makowiec: Will it have a roof?

Vice Chairman Makowiec: No canvas; it will be a metal roof?

Mr. Miller: It will be steel.

Mr. Shepherd: Part of this is already in existence.

Vice Chairman Makowiec: What about your affidavit and receipt for the advertisement in the newspaper?

Mr. Miller: I have the documents.

Vice Chairman Makowiec: Give these to Attorney Barnstead to review.

Attorney Barnstead: The documents appear to be in order. *(Documents were submitted to Secretary Balok for inclusion into the permanent file record).*

Ms. Opper: Are there any code problems with this Pete?

Mr. Rocchi: No.

Vice Chairman Makowiec: Rail is wrought iron, correct?

Mr. Miller: Yes. Joe (*Joe Cady*) is going to do the welding. He has fifteen (15) years experience.

Ms. Clarke: It is twelve feet (12') above the pad to peak; below peak of building there is enough clearance.

Mr. Shepherd: Ten feet (10') above?

Mr. Rocchi: Nine feet (9') above.

Vice Chairman Makowiec: We will open this up for the public hearing. Anyone wanting to speak should give your name and address, and if representing someone else give us that information also.

Mr. Voorhees: Paul Voorhees, I live across the street from the church. I have a question, how is it going to look?

Vice Chairman Makowiec: We only have a sketch. It sounds like it will look like the handrails that are there.

Ms. Clarke: It will be completely open; nine feet (9') to twelve feet (12') above the pad that is there.

Mr. Voorhees: Buses and cars block this area and I am concerned about that.

Mr. Miller: We discussed bus parking a lot and tried to get that resolved.

Vice Chairman Makowiec: My concern has to do with the corner and visibility.

Mr. Miller: Twelve feet (12') to fourteen feet (14') back from the edge of the road, four foot (4') sidewalk, two foot (2') step back.

Vice Chairman Makowiec: Anyone else care to speak? If not, the public hearing is closed. Any questions from the Board?

Ms. Opper: I have a concern visualizing this?

Ms. Clarke: Look at the way the street is. It doesn't align. The lots don't align.

Vice Chairman Makowiec: Stop at painted line on road; can't see, have to creep ahead to see. Last month you were given a paper with four (4) questions. Would you stand up and answer the four (4) questions please?

Mr. Miller: Significant economic injury. We would have to turn a one hundred year old building around. We would love to have another entrance, but that is not possible.

Attorney Barnstead: If the variance is not granted, would there be some other way to do this economically?

Mr. Miller: No, but we added a handicapped chair inside.

Vice Chairman Makowiec: How about question number two?

Mr. Miller: Magnitude very large. We are not going out toward the road. We are staying with the boundary there.

Vice Chairman Makowiec: How about question number three?

Mr. Miller: When it is raining people try running up the steps to the church. We are trying to stop that problem; didn't create the problem.

Vice Chairman Makowiec: How about question number four?

Mr. Miller: Not trying to create a problem. We are trying to make it safer, make it better.

Vice Chairman Makowiec: How about with the variance or without the variance Pete?

Mr. Rocchi: Have to be within other buildings that are there now.

Vice Chairman Makowiec: You have answered all four (4) questions. Any discussion on the Board? I think as long as it is left open, I don't see any problems. I can see the need for the roof.

Mr. Shepherd: The existing porch is there now. To have a roof over that would be an asset.

Vice Chairman Makowiec: Any other questions? If not, is there a motion to vote on the variance for the Independent Baptist Church?

Ms. Opper: I make a motion we vote on the variance for the Independent Baptist Church with a yes vote granting the variance and a no vote denying the variance.

Ms. Eames: I second the motion.

Ms. Clarke: This is a Type Two under SEQ, therefore not open for review; you might want to stipulate this remain open, no enclosure.

Vice Chairman Makowiec: Any discussion on the motion? Do you want to amend your motion to include the stipulation about the porch and railing remaining open?

Ms. Opper: Yes. I will amend the variance to include the front stoop of the church remain open with no enclosure.

Vice Chairman Makowiec: Any further discussion on the motion? If not, Bonnie will you call the roll?

Secretary Balok: Called the roll. Ms. Eames-Yes; Ms. Opper-Yes; Mr. Shepherd-Yes; Vice Chairman Makowiec-Yes. Variance unanimously approved. Variance granted.

Adjourned: 7:30 p.m.

Original on File

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| | Town Supervisor | Mr. David Sheen |
| | Town Clerk | Ms. Carolyn Renko |
| | Town Assessor | Ms. Catherine Broschart |
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| | Town Attorney | Steven W. Barnstead, Esquire |
| | Planning Board Chairman | Mr. John Scida |
| | Town Consultant | Ms. Ann Clarke |
| | Pastor Richard Hack, Independent Baptist Church, 719 Holdridge Street, Elmira, NY 14904 | |

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