

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

**MEETING MINUTES**  
**Organizational Meeting**

WEDNESDAY  
JANUARY 17, 2007  
6:30 P.M.

TOWN HALL  
1139 PENNSYLVANIA AVENUE  
ELMIRA, NEW YORK, 14904

Board Members Present: Clairmont Ham  
Mark Makowiec  
Sidney Shepherd

Board Members Resigned & Absent: William Lewis  
Gary Stewart

Mr. Ham called the Organizational Meeting to order and advised the purpose of the meeting was to elect a chairman, vice-chairman and secretary, as well as establish a meeting day and time; floor opened for nominations.

Motion was made by Mr. Makowiec to cast one (1) ballot to re-elect the previous slate of officers and maintain the third Wednesday of each month, at 7:00 p.m. as the meeting day and time.

Mr. Shepherd, who has served as Vice-Chairman in the past, declined nomination. Mr. Shepherd made a motion to nominate Mr. Makowiec as Vice Chairman.

Mr. Ham seconded the motion.

Mr. Makowiec accepted the nomination and made a motion to re-elect Clairmont Ham, Chairman, seconded by Mr. Shepherd. Unanimously approved.

Chairman Ham made a motion to nominate Bonnie Balok as Secretary; Mr. Makowiec seconded the motion. Unanimously approved.

Chairman Ham asked if the third Wednesday of each month was convenient for everyone; Mr. Makowiec made a motion to accept the day; seconded by Mr. Shepherd. Unanimously approved.

Chairman Ham asked if the meeting time of 7:00 pm. was convenient for everyone. Mr. Shepherd made a motion to accept the time; seconded by Mr. Makowiec. Unanimously approved.

Meeting Adjourned: 6:57 p.m.

Transcribed: 1/18/07

Bonnie J. Balok  
Secretary-Board of Appeals  
Town of Southport

Board of Appeals  
Town of Southport, County of Chemung, Elmira, New York

**RESOLUTIONS**

**Resolution No. 1**            **Appointment of Chairman**  
Clairmont C. Ham

WHEREAS, the Board of Appeals of the Town of Southport held its Organizational Meeting on Wednesday, January 17, 2007, 6:30 p.m. at the Southport Town Hall to elect officers, and establish a meeting date and time.

Motion was made by Mr. Makowiec and seconded by Mr. Shepherd to nominate Clairmont Ham as Chairman of the Board of Appeals. Unanimously approved.

NOW, THEREFORE BE IT RESOLVED, that Clairmont Ham will serve as Chairman of the Board of Appeals of the Town of Southport for the year 2007.

Motion:	Mr. Makowiec	AYES:	Ham, Makowiec and Shepherd
Seconded:	Mr. Shepherd	NAYS:	None
			Carried.

**Resolution No. 2**            **Appointment of Vice-Chairman**  
Mark Makowiec

WHEREAS, the Board of Appeals of the Town of Southport held its Organizational Meeting on Wednesday, January 17, 2007, 6:30 p.m. at the Southport Town Hall to elect officers, and establish a meeting date and time.

Motion was made by Mr. Shepherd and seconded by Mr. Ham to nominate Mark Makowiec as Vice Chairman of the Board of Appeals. Unanimously approved.

NOW, THEREFORE BE IT RESOLVED, that Mark Makowiec will serve as Vice-Chairman of the Board of Appeals of the Town of Southport for the year 2007.

Motion:	Mr. Shepherd	AYES:	Ham, Makowiec and Shepherd
Seconded:	Mr. Ham	NAYS:	None
			Carried.

**Resolution No. 3**            **Appointment of Secretary**  
Bonnie J. Balok

WHEREAS, the Board of Appeals of the Town of Southport held its Organizational Meeting on Wednesday, January 17, 2007, 6:30 p.m. at the Southport Town Hall to elect officers, and establish a meeting date and time.

Motion was made by Mr. Ham and seconded by Mr. Makowiec to nominate Bonnie Balok as Secretary of the Board of Appeals. Unanimously approved.

NOW, THEREFORE BE IT RESOLVED, that Bonnie Balok will serve as Secretary of the Board of Appeals of the Town of Southport for the year 2007.

Motion:	Mr. Ham	AYES:	Ham, Makowiec and Shepherd
Seconded:	Mr. Makowiec	NAYS:	None
Carried.			

**Resolution No. 4**            **Meeting Day**  
Third Wednesday of Each Month

WHEREAS, the Board of Appeals of the Town of Southport held its Organizational Meeting on Wednesday, January 17, 2007, 6:30 p.m. at the Southport Town Hall to elect officers and establish a meeting date and time.

Motion was made by Mr. Makowiec and seconded by Mr. Shepherd to and maintain the third Wednesday of each month, at 7:00 p.m. as the meeting day and time. Unanimously approved.

NOW, THEREFORE BE IT RESOLVED, that the Board of Appeals will hold meetings on the third Wednesday of each month.

Motion:	Mr. Makowiec	AYES:	Ham, Makowiec and Shepherd
Seconded:	Mr. Shepherd	NAYS:	None
Carried.			

**Resolution No. 5**            **Meeting Time**  
7:00 p.m.

WHEREAS, the Board of Appeals of the Town of Southport held its Organizational Meeting on Wednesday, January 17, 2007, 6:30 p.m. at the Southport Town Hall to elect officers, and establish a meeting date and time.

Motion was made by Mr. Shepherd and seconded by Mr. Makowiec to maintain the third Wednesday of each month as the meeting day. Unanimously approved.

NOW, THEREFORE BE IT RESOLVED, that the Board of Appeals will hold meetings at 7:00 p.m.

Motion:	Mr. Shepherd	AYES:	Ham, Makowiec and Shepherd
Seconded:	Mr. Makowiec	NAYS:	None
Carried.			

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

**RESOLUTION**

RESOLUTION NO.1

**AREA VARIANCE GRANTED**

PROPERTY: TAX MAP NO. 109.07-2-85 & 86 ZONED: C-2  
COMMONLY KNOWN AS  
907 PENNSYLVANIA AVENUE  
ELMIRA, NEW YORK, 14904

APPLICANT: EDWARD DAILEY, DDS  
907 PENNSYLVANIA AVENUE  
ELMIRA, NEW YORK, 14904

OWNER: EDWARD DAILEY, DDS

RESOLUTION: MAKOWIEC  
SECONDED: SHEPHERD

WHEREAS, Edward Dailey, 907 Pennsylvania Avenue, Elmira, 14904 applied for an area variance for an extension to his office building, as per Schedule 30.41, at 907 Pennsylvania Avenue, Elmira, New York, Town of Southport County of Chemung. The property is located in a C-2 zone and is commonly known as 907 Pennsylvania Avenue, Elmira, New York, Tax Parcel Number 109.07-2-85 and 86, and further an area variance was granted in 2002, and an extension to the variance was granted in 2004, and applicant did not start the project and thus the variance expired, and

WHEREAS, the Town of Southport Board of Appeals received that application and thereafter held a public hearing January 17, 2007 at 7:00 p.m. at the Southport Town Hall, 139 Pennsylvania Avenue, Elmira, New York, with one (1) individual voicing concern about potential septic problems with the proposal, and

WHEREAS, this matter has been submitted to the Chemung County Planning Board and thirty (30) days has expired with the Board taking no action on the matter, and

WHEREAS, upon discussion of the legal requirements for an area variance, a review of the requested use, and

WHEREAS, upon deliberation, consideration and discussion, and following inspection of the property, the members of the Board of Appeals were of the opinion that the requirements for an area variance were met.

NOW, THEREFORE BE IT RESOLVED, THAT THE APPLICATION OF Edward Dailey, be and the same is hereby granted an area variance, and the Building Inspector of the Town of Southport be and hereby is authorized to issue a permit for said use. In the event the applicant does not provide for use of the premises under the terms and conditions set forth within one (1) year from the date of the granting of this variance, such variance shall automatically become null and void.

AYES: HAM, MAKOWIEC AND SHEPHERD.

NAYS: NONE.

CARRIED.