



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

*Minutes Approved- 8/17/2016
By the Board of Appeals*

BOARD OF APPEALS MINUTES-PUBLIC & INFORMATIONAL HEARINGS WEDNESDAY, JULY 20, 2016 7:00 PM

Minutes of the Public Hearing for Rebecca Potter, 152 Pine Hills Drive, Pine City, NY 14871, Tax Map 118.03-1-7, zoned R1, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on July 20, 2016 at 7:00 p.m. concerning an area variance to build a five foot (5') by thirty eight foot (38') deck on the front of the home which is within the required front yard setback as per Section 525-26c.

Board Members Present: James Gensel, Chairman
John Arikian
Justin Faulkner
Susan Silvers, Alternate

Board Members Absent: Deborah Eames
Daniel Williams, Vice Chairman

Others Present: Steven Barnstead, Town Attorney
Peter Rocchi, Town Code Enforcement Officer
Bonnie Balok, Secretary-Board of Appeals

Items 1 and 2 - Call to Order and Accepting of Minutes

The meeting was called to order by Chairman Gensel. Chairman Gensel advised the new alternate board member, Susan Silvers, is here and, in the absence of Mr. Williams and Ms. Eames, Ms. Silvers will serve on the Board this evening. The first item on the Agenda was the Minutes of June 15, 2016. Chairman Gensel noted that only the three (3) members at the meeting last month can vote on this item. Mr. Faulkner made a motion to approve the June 15, 2016 minutes; Mr. Arikian seconded the motion. Meeting minutes of June 15, 2016 were unanimously approved with Ms. Silvers abstaining.

Item 3 - New Business—Public Hearings

Applicant Present: Rebecca Potter

Chairman Gensel advised the next item on the agenda is a public hearing for Rebecca Potter, 152 Pine Hills Drive, Pine City, NY concerning a request for an area variance to build a five foot (5') by thirty eight foot (38') deck on the front of the home which is within the required front yard setback as per Section 525-26c.

Ms. Potter explained she wanted to put a five foot (5') by thirty eight foot (38') deck on her home, but there is a problem because this is within the setback so she filed for an area variance.

Attorney Barnstead advised the paper work Ms. Potter submitted is in order. (*Paid receipt from Ms. Potter for legal notice-providing proof of publication in "Star-Gazette" Legals—Submitted to Secretary Balok to include in the permanent record*).

Discussion continued concerning setbacks; highway/roadway requirements, with the notation the deck would not be in the right of way and therefore no conflict existed. Mr. Rocchi advised the proposal will be twenty feet (20') off setback of right of way

Chairman Gensel opened the meeting to the public hearing portion at 7:07 pm, but no comments were provided. Therefore, the public hearing portion was closed. The Board and Ms. Potter proceeded with the five area variance questions

Ms. Potter provided the following responses

- Question 1-Undesirable change Improve the overall appearance of the house and neighborhood
- Question 2-Benefit Sought Cannot be achieved by any other method.
- Question 3-Variance Substantial . . . Believe yes.
- Question 4 – Adverse Affect Will not have adverse affect.
- Question 5 – Self-Created No not self-created.

Board members provided the following responses.

- Question 1-Undesirable; Question 2-Benefit; Question 3-Substantial; Question 4-Adverse. . . . Unanimous - No
- Question 5 – Self-Created
- Unanimous - Yes

Motion to approve variance: Mr. Arikian;
Seconded by: Mr. Faulkner
Unanimous Vote: Aye.
Area variance granted.

Potter Informational Hearing Adjourned: 7:15 pm

Item 3 - New Business - Public Hearings (continued) Present: James Biggs and Daughter Paula Biggs

Chairman Gensel advised the next item on the agenda is a public hearing for James Biggs, 200 Mt. View Drive, Pine City, New York, 14871 concerning 1550 Cedar Street, Elmira, New York, 14904, Tax Map 109.12-1-10, regarding a request for an area variance to operate a flea market on 1.8 acres which is less than the required 5 acres as per Section 525-121. The property is zoned CR.

Mr. Biggs explained the property is zoned CR and he is requesting an area variance to operate a flea market; code requires five (5) acres and this site has 1.8 acres; the flea market would be open one (1) Saturday a month. Mr. Biggs further explained he can limit the number of vendors, has room for twenty (20), and in back there are three (3) buildings, (fifty foot (50') building, then two hundred (200) some feet; also, he had measured parking for nine foot (9') wide spaces, but can make it ten foot (10') wide. (70% parking and 30% vendors) and he does have a land survey. Mr. Biggs advised he would be selling antiques from Buildings A and B.

Discussion continued concerning a site plan, parking, portable toilets, a rest room currently in one of the buildings, but not handicap accessible, as well as what the Planning Board's concerns are.

Chairman Gensel opened the meeting to the public hearing portion, but no comments were provided. The public hearing portion was closed. The Board and Mr. Biggs proceeded with the five area variance questions

Mr. Biggs provided the following responses

- Question 1-Undesirable change No
- Question 2-Benefit Sought No
- Question 3-Variance Substantial Yes (36% of what is required)
- Question 4 – Adverse Affect No
- Question 5 – Self-Created No, bought all the property that was available.

Board members provided the following responses.

- Question 1-Undesirable; Question 2-Benefit; Unanimous - No
- Question 3-Substantial; Unanimous - Yes
- Question 4-Adverse. Unanimous - No
- Question 5 – Self-Created Unanimous - Yes

**Board of Appeals-Town of Southport
Minutes of July 20, 2016 Meeting – Public Hearings - Rebecca Potter and James Biggs
Informational Hearing – Dakota Yerkes**

Motion to approve variance: Mr. Faulkner
Seconded by: Ms. Silvers
Unanimous Vote: Aye.
Area variance granted with stipulation:
Stipulation: Variance granted with the notation that the Planning Board will be cognizant of the reduced lot size.

Biggs Public Adjourned: 7:39 pm

Item 3 - New Business – Informational Hearing (continued) Applicant Present: Dakota Yerkes

Chairman Gensel advised the next item on the agenda is an informational hearing for Dakota Yerkes, 426 Fairway Avenue, Elmira, NY 14904 concerning 426 Fairway Avenue, Elmira, New York, 14904, Tax Map 100.09-6-12 regarding a request for an area variance to build an eight foot (8') by twenty two foot (22') deck on the front of the house which is within the required front yard setback as per Section 525-26c. The property is zoned R2.

Mr. Yerkes explained the deck would not have a cover; the previous owner had added a front porch, front door on the left side and then a hallway limits getting furniture inside the home; the front door would be the entrance, steps face toward the driveway, and further he does have a survey of the property.

Chairman Gensel explained the public hearing process and that the public hearing would be scheduled for Wednesday, August 17, 2016 at 7:00 pm, or as soon thereafter as it can be heard, at the Southport Town Hall. Further, Mr. Yerkes is required to answer the questions for an area variance at that hearing. *(Note: Applicant is no longer required to send letters to residents within 200 feet of the property. A sign is to be posted in the front yard of the property notifying residents of the up-coming public hearing. A legal notice of the public hearing is also required and must be paid for by the applicant for publication in the "Star-Gazette" before the public hearing is held).*

Yerkes Informational Hearing Adjourned: 7:53 pm

Item 4 – Old Business

A brief discussion took place concerning training required each year such as solar workshop and the 2016 Planning and Zoning Summer School.

Item 5 – Discussion

No other discussion.

Item 6 – Adjournment

Motion to adjourn: Mr. Arikian; Seconded: Ms. Silvers. Adjournment unanimously approved.

Adjourned: 8:08 p.m.

Original on File: Town Clerk
C: Board of Appeals
Town Board
Planning Board
Town Supervisor
Town Clerk
Town Attorney
Town Assessor
Town Code Enforcement Officer
Applicants Rebecca Potter, James Biggs and Dakota Yerkes

Prepared by:
Bonnie Balok, Secretary-Board of Appeals
July 21, 2016

***Minutes Approved-8/17/2016
By the Board of Appeals***

RESOLUTIONS - JULY 2016

BOARD OF APPEALS – TOWN OF SOUTHPORT

RESOLUTION NO. 7

AREA VARIANCE GRANTED

PROPERTY: TAX MAP NO. 118.03-1-7 ZONED: R1
COMMONLY KNOWN AS
152 PINE HILLS DRIVE
PINE CITY, NY 14871

APPLICANT: REBECCA POTTER
152 PINE HILLS DRIVE
PINE CITY, NY 14871

OWNER: REBECCA POTTER
152 PINE HILLS DRIVE
PINE CITY, NY 14871

RESOLUTION: ARIKIAN SECONDED: FAULKNER

WHEREAS, Rebecca Potter, 152 Pine Hills Drive, Pine City, New York, 14871 applied for an area variance at 152 Pine Hills Drive, Pine City, New York, 14871 to build a five foot (5') by thirty eight foot (38') deck on the front of the home which is within the required front yard setback, no exceptions applying as per Section 525-26c allowed by the Town Code, Town of Southport, County of Chemung. The property is located in a R1 zone and is commonly known as 152 Pine Hills Drive, Pine City, New York, 14871, Tax Parcel, 118.03-1-7, and

WHEREAS, the Town of Southport Board of Appeals held a public hearing on July 20, 2016 at 7:00 p.m., or as soon thereafter as it could be heard, at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York with no one voicing any concern for or against the proposal, and

WHEREAS, this matter was 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 deliberation, consideration and discussion, and following inspection of the property, the members of the Board of Appeals, were of the opinion that an area variance could be granted, to allow for the building of a five foot (5') by thirty eight foot (38') deck on the front of the home, and

NOW THEREFORE BE IT RESOLVED, that an area variance be granted to Rebecca Potter, 152 Pine Hills Drive, Pine City, New York, 14871 with respect to 152 Pine Hills Drive, Pine City, New York, 14871 and the Building Inspector of the Town of Southport be and hereby is authorized to issue a permit for said use, and that failure to complete the project within one (1) year from the granting of this variance will render the variance null and void.

AYES: Arikian, Faulkner, Silvers and Gensel
NAYS: None.
CARRIED.

Date: July 20, 2016

RESOLUTIONS - JULY 2016

BOARD OF APPEALS – TOWN OF SOUTHPORT

RESOLUTION NO. 8

AREA VARIANCE GRANTED

PROPERTY: TAX MAP NO. 109.12-1-10 ZONED: CR
COMMONLY KNOWN AS
1550 CEDAR STREET
ELMIRA, NY 14904

APPLICANT: JAMES BIGGS
200 MT. VIEW DRIVE
PINE CITY, NY 14871

OWNER: JAMES BIGGS
200 MT. VIEW DRIVE
PINE CITY, NY 14871

RESOLUTION: FAULKNER SECONDED: SILVERS

WHEREAS, James Biggs, 200 Mt. View Drive, Pine City, New York, 14871 applied for an area variance at 1550 Cedar Street, Elmira, New York, 14904 to operate a flea market on 1.8 acres which is less than the required five (5) acres as per Section 525-121 allowed by the Town Code, Town of Southport, County of Chemung. The property is located in a CR zone and is commonly known as 1550 Cedar Street, Elmira, New York, 14904, Tax Parcel, 109.12-1-10, and

WHEREAS, the Town of Southport Board of Appeals held a public hearing on July 20, 2016 at 7:00 p.m., or as soon thereafter as it could be heard, at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York with no one voicing any concern for or against the proposal, and

WHEREAS, this matter was 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 deliberation, consideration and discussion, and following inspection of the property, the members of the Board of Appeals, were of the opinion that an area variance could be granted, to allow for the operation of a flea market on 1.8 acres with the following stipulation:

“Stipulation: Variance granted with the notation that the Planning Board will be cognizant of the reduced lot size”.

NOW THEREFORE BE IT RESOLVED, that an area variance be granted to James Biggs, 200 Mt. View Drive, Pine City, New York, 14871 with respect to 1550 Cedar Street, Elmira, New York, 14904 and the Building Inspector of the Town of Southport be and hereby is authorized to issue a permit for said use, and that failure to complete the project within one (1) year from the granting of this variance will render the variance null and void.

AYES: Arikian, Faulkner, Silvers and Gensel
NAYS: None.
CARRIED.

Date: July 20, 2016