



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

**MINUTES APPROVED
BY BOARD OF APPEALS
MARCH 20, 2024**

*Approved with one correction
noted in "Red" Attorney Present*

BOARD OF APPEALS

MINUTES

WEDNESDAY, FEBRUARY 21, 2024

PUBLIC HEARING (1)

JESSE SCHROEDER

AREA VARIANCE-OUTDOOR FURNACE,

ZONE: AR

481 BECKWITH ROAD, PINE CITY, NY

(Rescheduled from January 17, 2024—No Legal Ad Published for January)

INFORMATIONAL HEARING (1)

MATTHEW DAVIS

AREA VARIANCE-CHICKENS-UNDERSIZED LOT,

ZONE: R-1

1607 PENNSYLVANIA AVENUE, PINE CITY, NY 14871

(continued from September 20, 2023)

7:00 PM

**SOUTHPORT TOWN HALL
1139 PENNSYLVANIA AVENUE
ELMIRA, NY 14904**

Minutes of the Zoning Board of Appeals, Town of Southport, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on February 21, 2024 at 7:00 p.m.

Board Members Present: Justin Faulkner
Susan Silvers
Ken Wrigley
Ken Collier, Alternate

Board Members Absent: Belinda Combs
Shawn Crater

Others Present: ~~Leslie Connolly, Town Attorney~~ *Corrected to: Megan Dorritie, Town Attorney
Peter Rocchi, Town Code Enforcement Officer
Bonnie Balok, Secretary-Zoning Board of Appeals

1. Call to Order

Chairman Faulkner called the meeting to order at 7:00 pm.

2. Approval of the Minutes of January 17, 2024

Chairman Faulkner advised the next item on the agenda is the approval of the minutes of January 17, 2024. Motion made by Ms. Silvers to accept the minutes as prepared; seconded by Mr. Wrigley. The minutes of January 17, 2024 were unanimously approved.

3. New Business

Chairman Faulkner advised this is a public hearing for Jesse Schroeder, 481 Beckwith Road, Pine City, NY. Mr. Schroeder is requesting an area variance for a minimum setback for an outdoor a wood-burning furnace, which shall be set back not less than 200 feet from a lot line; Tax Map #: 107.00-2-8-17; Zoned: AR

Present: Applicant Jesse Schroeder

Mr. Schroeder provided a paid receipt from the “Star-Gazette” showing proof of payment and publication of the legal notice for the public hearing. Mr. Schroeder explained he would like to put an outdoor wood-burning furnace on his property. The boiler would be behind his house and no one lives close by. Mr. Schroeder also provided two (2) letters of support for the project from his neighbors (*Steven Salsburg and Celeste and Frank Bohman*).

Attorney Dorritie explained the applicant had to answer the five (5) factors for the area variance and the Board had to address the SEQR. Attorney Dorritie advised this is a Type Two Action for an individual lot line and so no further SEQR details are required to be completed; just the five (5) area variance questions.

The applicant, Mr. Schroeder, provided the following answers to the area variance questions:

Q1. Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by the granting of the area variance?

A: *Mr. Schroeder: No.*

Q2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance?

A: *Mr. Schroeder: No.*

Q3. Whether the requested area variance is substantial?

A: *Mr. Schroeder: No.*

Q4. Whether the proposed area variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

A: *Mr. Schroeder: No.*

Q5. Whether an alleged difficulty of compliance with the zoning requirement was self-created, which is relevant to the decision but shall not necessarily preclude the granting of the area variance?

A: *Mr. Schroeder: Yes.*

Chairman Faulkner advised, at 7:10 pm, he was opening up the public hearing for public comments. No one was in attendance and no responses were called in. Chairman Faulkner closed the public hearing.

The Board reviewed the five (5) area variance questions and provided their answers as follows:

Q1. Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by the granting of the area variance?

Unanimous: No Collier, Silvers, Wrigley, Faulkner – all no responses

Q2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue,

Unanimous: No Collier, Silvers, Wrigley, Faulkner – all no responses

Q3. Whether the requested area variance is substantial?

Unanimous: No Collier, Silvers, Wrigley, Faulkner – all no responses

Q4. Whether the proposed area variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

Unanimous: No Collier, Silvers, Wrigley, Faulkner – all no responses

Q5. Whether an alleged difficulty of compliance with the zoning requirement was self-created, which is relevant to the decision but shall not necessarily preclude the granting of the area variance?

Unanimous: Yes Collier, Silvers, Wrigley, Faulkner – all yes responses

3. New Business *(continued)*

Chairman Faulkner asked if there was any other discussion. It was noted the SEQR is a Type Two Action and therefore the SEQR is not needed. Mr. Wrigley made a motion to vote on the variance for Mr. Schroeder’s request for an outdoor wood-burning furnace with a no vote denying the variance and a yes vote granting the variance; seconded by Mr. Collier.

Secretary Balok called the roll: Ms. Silvers-Yes; Mr. Collier-Yes; Mr. Wrigley-Yes; Chairman Faulkner-Yes. Unanimous vote yes. Variance granted.

Mr. Schroeder’s Public Hearing Adjourned: 7:17 pm

Original on File: Town Clerk

Copy: Town Supervisor-----Town Attorney-----Town Code Enforcement Officer-
Zoning Board of Appeals---Town Board-----Town Planning Board
Minutes to Jesse Schroeder, 481 Beckwith Road, Pine City, NY 14871

Bonnie Balok, Secretary
Zoning Board of Appeals
February 23, 2024

**MINUTES APPROVED
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3. New Business *(continued)*

Chairman Faulkner advised this is an informational hearing for Matthew Davis, 1607 Pennsylvania Avenue, Pine City, NY. Mr. Davis is requesting an area variance to keep chickens on an undersized lot, as per Section 525-33 (7)(a) in a residential one zone, Tax Map #: 118.03-1-2; Zoned: R1.

Not Present: Applicant Matthew Davis.

In the absence of Mr. Davis, a motion to table the request was made by Ms. Silvers; seconded by Mr. Wrigley.

Unanimous approval to table the informational hearing for Mr. Davis.

Informational Hearing for Mr. Davis adjourned: 7:23 pm

Original on File: Town Clerk

Copy: Town Supervisor-----Town Attorney-----Town Code Enforcement Officer-
Zoning Board of Appeals---Town Board-----Town Planning Board
Minutes to Matthew Davis, 1607 Pennsylvania Avenue, Pine City, NY 14871

Bonnie Balok, Secretary
Zoning Board of Appeals
February 23, 2024

4. Old Business

No old business

5. Discussion

No further discussion

6. Adjournment

Motion to adjourn: Ms. Silvers

Seconded: Mr. Collier

Adjourned: 7:30 pm

Bonnie Balok, Secretary
Zoning Board of Appeals
February 23, 2024

**MINUTES APPROVED
BY BOARD OF APPEALS
MARCH 20, 2024**

**ZONING BOARD OF APPEALS
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK**

**RESOLUTIONS
2024**

**RESOLUTION APPROVED
BY BOARD OF APPEALS
MARCH 20, 2024**

Resolution No. 7

AREA VARIANCE GRANTED

PROPERTY:	TAX MAP NO. 107.00-2-8.17 COMMONLY KNOWN AS 481 BECKWITH ROAD	ZONED: AR PINE CITY NY 14871
APPLICANT:	JESSE SCHROEDER 481 BECKWITH ROAD	PINE CITY NY 14871
OWNER:	JESSE SCHROEDER 481 BECKWITH ROAD	PINE CITY NY 14871
RESOLUTION:	WRIGLEY	SECONDED: COLLIER

WHEREAS, Jesse Schroeder, 481 Beckwith Road, Pine City, NY 14871, applied for an area variance for minimum setback for an outdoor wood-burning furnace which shall be set back not less than two hundred feet (200') from a lot line, at 481 Beckwith Road, Pine City, NY 14871 in an AR Zone, as per Town Code, Town of Southport, County of Chemung. The property is located in an AR zone and is commonly known as 481 Beckwith Road, Pine City, NY 14871, Tax Parcel, 107.00-2-8.17, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a hearing on February 21, 2024 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, to consider the granting of the area variance, with two (2) written letters providing support for the project and no public comments for or against the project at the hearing, and

WHEREAS, based upon deliberation, consideration and discussion, the members of the Zoning Board of Appeals were of the opinion the area variance could be granted to allow for an outdoor wood-burning furnace at 481 Beckwith Road, Pine City, New NY 14871, and

NOW THEREFORE BE IT RESOLVED the area variance is granted to Jesse Schroeder, 481 Beckwith Road, Pine City, NY 14871, Tax Map 107.00-2-8.17 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 area variance will render the variance null and void.

Yes-Grant Variance:	Collier, Silvers; Wrigley; Faulkner
No-Deny Variance Carried.	None
February 23, 2024	