



## TOWN OF SOUTHPORT

1139 Pennsylvania Avenue  
Elmira, NY 14904

*Minutes Approved-7/20/16  
By the Board of Appeals*

### BOARD OF APPEALS MINUTES-INFORMATIONAL HEARINGS WEDNESDAY, JUNE 15, 2016 7:00 PM

Minutes of the Informational 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 June 15, 2016 at 7:00 p.m. concerning an area variance to build a 5 x 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  
Daniel Williams, Vice Chairman  
John Arikian  
Deborah Eames  
Justin Faulkner

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 Vice Chairman Williams. (*Chairman Gensel arrived late due to a previous meeting*). The first item on the agenda was the Organizational Minutes of April 20, 2016, confirming approval on May 18, 2016, and the review and approval of the Nomination Minutes for an Alternate Member of the ZBA, held on May 18, 2016. Ms. Eames made a motion to approve the May 18, 2016 minutes; Mr. Faulkner seconded the motion. Meeting minutes of May 18, 2016 were unanimously approved.

#### Item 3 - New Business—Informational Hearings

Applicant Present: Rebecca Potter

Vice Chairman Williams advised the next item on the agenda is an informational 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 had submitted a variance application and the deck would be five feet (5') wide and the length of the house; also there would be no roof. Ms. Potter advised she had contacted Dig Safe, Corning Natural Gas, and NYSEG so she could have the gas meter moved from the front of the house to the side of the house. Ms. Potter advised the lot is 1.72 acres.

Discussion continued concerning other houses and setbacks; the questions as to why the Department of Transportation might need or not need any additional land in the future, utilities, and setback for visibility.

Vice Chairman Williams explained the public hearing process and that the public hearing would be scheduled for Wednesday, July 20, 2016 at 7:00 pm, or as soon thereafter as it can be heard, at the Southport Town Hall. Further, Ms. Potter 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.*)

Potter Informational Hearing Adjourned: 7:15 pm

Item 3 - New Business—Informational Hearings (continued) Applicant Present: James Biggs

Chairman Gensel advised the next item on the agenda is an informational 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.. Chairman Gensel explained a flea market is not allowed in this area at 1550 Cedar Street. A flea market is now allowed on property with five (5) acres.

Mr. Biggs explained the flea market would be open only on weekends, not every weekend, one (1) weekend per month. Mr. Biggs further explained he can limit the number of vendors (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, what will be sold, what is the usage anticipated versus the acreage available, how big the operation would be (*example: limit 10 to 50 tables*), section for vendors, section for parking, ADA parking spaces, van spaces,, bathroom facilities such as Ed’s Heads, as well as the need for a survey.

Chairman Gensel explained the public hearing process and that the public hearing would be scheduled for Wednesday, July 20, 2016 at 7:00 pm, or as soon thereafter as it can be heard, at the Southport Town Hall. Further, Mr. Biggs 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.*)

Biggs Informational Hearing Adjourned: 7:49 pm

Item 4 – Old Business

No old business.

Item 5 – Discussion

No other discussion.

Item 6 – Adjournment

Motion to adjourn: Mr. Williams; Seconded: Mr. Faulkner. Adjournment unanimously approved.

Adjourned: 8:00 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 and James Biggs

Prepared by:  
Bonnie Balok, Secretary-Board of Appeals  
June 16, 2016

***Minutes Approved-7/20/116  
By the Board of Appeals***