



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

*Minutes Approved
by Board of Appeals
July 19, 2017*

ZONING BOARD OF APPEALS

PUBLIC HEARING

BRENDAN BYSTRAK OF LABELLA ASSOCIATES, O/B/O NYSEG

PUBLIC HEARING

TODD CURREN

INFORMATIONAL HEARING

SHELLEY WESTBROOK

WEDNESDAY, JUNE 21, 2017

7:00 PM

Item No. 1 - Call to Order

Attendance

Board Members Present: James Gensel, Chairman
Daniel Williams, Vice Chairman
John Arikian
Deborah Eames
Susan Silvers, Alternate Member

Board Member Absent: Justin Faulkner

Town Attorney Absent: Leslie Mauro

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

Item No. 2 - Approval of Minutes of May 17, 2017

Mr. Williams made a motion to approve the minutes of May 17, 2017; seconded by Ms. Silvers. . Mr. Arikian abstained from voting due to his absence at the May 17, 2017 hearing. The minutes of May 17, 2017 were approved.

Notation of correction on the Minutes of April 19, 2017; Nixon Peabody Hearing, on Page 4; and Resolution 6; Remove Mr. Arikian from vote; Mr. Arikian recused from this hearing.

Item No. 3 - New Business

Public Hearing - Brendan Bystrak of LaBella Associates o/b/o NYSEG

Attendance: Applicant Brendan Bystrak

Chairman Gensel recused himself from the first public hearing due to a conflict of interest; his company has a business connection to the LaBella Associates/NYSEG. The public hearing held for Brendan Bystrak of LaBella Associates, 300 State Street, Suite 201, Rochester, NY, o/b/o NYSEG was turned over to Vice Chairman Williams.

Vice Chairman Williams called the meeting to order and advised this is a public hearing for Brendan Bystrak of LaBella Associates, 300 State Street, Suite 201, Rochester, NY, o/b/o NYSEG. The property is located at 848 Mt. Zoar Road, Elmira, NY and the request concerns an area variance to allow fencing around equipment to be eight foot (8') above grade.

Mr. Bystrak explained the proposal was for a height variance of eight feet (8') to include a chain link fence and three (3) strands of barbed wire; further a neighboring property owner, Mr. Roman, requested privacy slats which will be installed; the application is listed as "unlisted action" under the SEQR. Mr. Bystrak provided answers to the eleven (11) questions on the "Short Environmental Assessment Form-Part 2-Impact Assessment".

Item No. 3 - New Business *(continued)*

Vice Chairman Williams opened the hearing to the public for any concerns or comments; no public comments were offered.

SEQR

Board members reviewed the “Short Environmental Assessment Form-Part 2-Impact Assessment”; eleven questions”; all questions answered with “no” reply *(completed form on file—permanent record)*; no negative environmental impact.

Resolution: Ms. Silvers; Seconded: Mr. Williams. Approved: Unanimously.

VARIANCE

Ms. Eames made a motion to approve an area variance to allow a fence to go from six feet (6’) to eight feet (8’); seconded by Mr. Arikian. Variance approved by Board members voting. Mr. Gensel recused from hearing and vote.

Public Hearing – Brendan Bystrak of LaBella Associates, o/b/o NYSEG

Adjourned: 7:10 p.m.

Public Hearing - Todd Curren

Attendance: Applicant Todd Curren

Chairman Gensel called the second public hearing to order and advised this is a public hearing for Todd Curren, 1113 Bird Creek Road, Gillett, PA 16925, regarding 1365 Pennsylvania Avenue, Pine City, New York, York, Tax Map 108.04-1-13.2, zoned AR, concerning an area variance to build a seventy foot (70') by one hundred foot (100') steel building; non-conforming structure as per Town Code, Section 525-2:1 Attachment, minimum front yard.

Mr. Curren advised his proposal is to build on the west side of the property; a garage open to the north facing Pennsylvania Avenue; a service center to the right and the rest would be shop space; fifty foot (50') by one hundred foot (100'), covered pavilion type building, pole building roof and the drawings he had were given to the Planning Board.

Discussion took place concerning the history of the property and the fact the RV business is grandfathered and the expansion has been approved by the Planning Board. The proposal will provide for twenty feet (20') in front of the existing building, the RV facility is growing and adding a building onto the attached building. New facility will be for repairs and the variance should be for both sides there is a permanent easement on 2.191 acres. Building A is enclosed and Building B is the pavilion.

Mr. Curren explained he purchased this in two (2) sections, but that was all in one, bought across creek from Rhodes that was only time he made a second purchase and he pays only one (1) tax bill. Further, there are three (3) pins there; rear lot is fifteen feet (15') from State right-on-way.

Chairman Gensel opened the hearing to the public for comments; no comments were provided. Public hearing portion closed. Mr. Curren and the Board members reviewed the five (5) area variance questions.

Mr. Curren answered the questions as follows:

- Question 1 - Undesirable change . . .No
- Question 2 - Benefit SoughtNo
- Question 3 - Variance Substantial. . No
- Question 4 – Adverse AffectNo
- Question 5 – Self-CreatedNo

Board members provided the following responses.

- Question 1 - Undesirable..... No – 5 Unanimous
- Question 2 - Benefit..... No – 5 Unanimous
- Question 3 - Substantial..... Yes – 5 Unanimous
could be; building not exorbitant, right of way huge,
existing building 50 x 100, setback over 50%.
- Question 4 - Adverse..... No – 5 Unanimous
- Question 5 – Self-Created..... Yes – 5 Unanimous

SEQR

Board members reviewed the “Short Environmental Assessment Form-Part 2-Impact Assessment”; eleven questions”; all questions answered with “no” reply (*completed form on file—permanent record*); No significant impact; do not have to complete Part 3.

Resolution: Ms. Silvers Seconded: Mr. Williams Approved: Unanimously

VARIANCE

Mr. Arikian made a motion to approve fifteen foot (15') setback side and front all the way around the entire property. Seconded by Ms. Silvers; unanimously approved. Variance granted.

Public Hearing – Todd Curren

Adjourned: 7:42 p.m.

Informational Hearing – Shelley Westbrook

Attendance: Applicant (s) Shelley Westbrook and Jack Westbrook

Chairman Gensel called the third hearing to order and advised this is an informational hearing for Shelley Westbrook, 429 Sharr Avenue, Elmira, NY 14904, concerning an area variance to building a ten foot (10') by twenty two foot (22') deck on the house in a required front yard setback.

Mr. Westbrook submitted a drawing because the site is in a subdivision; some properties do not have decks and the Westbrook property would be out a little more than other sites; The deck would be constructed using Trex with landing, railing and would step out of the front door, not covered.

Discussion took place concerning the average setback being used because everyone is in a straight line and it was pointed out the Westbrook property is on a corner lot with a concern about two front yards or behind the front yard would be the side yard.

Chairman Gensel explained the public hearing progress to the Westbrooks and advised they would have to answer five (5) area variance questions at the up-coming public hearing. The public hearing was scheduled for Wednesday July 19, 2017 at 7:00 pm.

Informational Hearing – Shelley Westbrook

Adjourned: 7:51 pm

Item No. 4 - Old Business

No old business.

Item No. 5 - Discussion

No further discussion.

Item No. 6 – Adjournment

Ms. Eames made a motion to adjourn; seconded by Ms. Silvers. Adjournment unanimously approved.

Meeting Adjourned: 7:55 pm

Original on File:

C: Town Clerk
Board of Appeals
Town Board
Planning Board
Town Supervisor
Town Clerk
Town Attorney
Town Assessor
Town Code Enforcement Officer
Applicant: Brendan Bystrak of LaBella Associates, o/b/o NYSEG
Applicant: Todd Curren
Applicant: Shelley Westbrook

Bonnie Balok, Secretary-
Zoning Board of Appeals,
June 22, 2017

*Minutes Approved
by Board of Appeals
July 19, 2017*

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

**RESOLUTIONS
2017**

Resolution No. 6

AREA VARIANCE GRANTED

PROPERTY: TAX MAP NO. 99.09-1-35 ZONED: R1
COMMONLY KNOWN AS
848 MT ZOAR ROAD ELMIRA, NY 14904

APPLICANT: BRENDAN BYSTRAK
LABELLA ASSOCIATES, O/B/O NYSEG
300 STATE STREET, SUITE 201 ROCHESTER, NY 14614

OWNER(S): PROPERTY-CORNING NATURAL GAS CORP (CNG)
330 West William Street, Corning, NY 14830

EQUIPMENT & BUILDINGS-NYS ELECTRIC & GAS (NYSEG)
1300 Scottsville Road, Rochester, NY 14624

RESOLUTION: EAMES SECONDED: ARIKIAN

WHEREAS, Brendan Bystrak of LaBella Associates, o/b/o NYSEG, 300 State Street, Suite 201, Rochester, New York, 14614 applied for an area variance at 848 Mt. Zoar Road, Elmira, NY 14904 to allow fencing around equipment to be eight foot (8') above grade which exceeds Town Code Section 525-98-B1-A maximum height of seven feet (7') above finished grade shall be permitted for a fence located in a side or rear yard, Town of Southport, County of Chemung. The property is located in a R1 zone and is commonly known as 848 Mt. Zoar Road, Elmira, NY 14904, Tax Parcel, 99.09-1-35, and

WHEREAS, the Town of Southport Board of Appeals held a public hearing on June 21, 2017 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 fencing around equipment to be eight foot (8') above grade which exceeds the maximum height of seven foot (7') above grade as per Town Code-Section 525-98-B1, and

NOW THEREFORE BE IT RESOLVED, that an area variance be granted to Brendan Bystrak of LaBella Associates, o/b/o NYSEG, 300 State Street, Suite 201, Rochester, New York, 14614 with respect to 848 Mt. Zoar Road, Elmira, NY 14904 to allow fencing around equipment to be eight foot (8') above grade which exceeds the maximum height of seven feet (7') 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, Eames, Faulkner, Williams
Noes: None
Recused: Gensel
Carried. Area variance granted. June 21, 2017

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

**RESOLUTIONS
2017**

Resolution No. 7

AREA VARIANCE GRANTED

PROPERTY:	TAX MAP NO. 108.04-1-13.2 COMMONLY KNOWN AS 1365 PENNSYLVANIA AVENUE	ZONED: AR PINE CITY, NY 14871
APPLICANT:	TODD CURREN 1113 BIRD CREEK ROAD	GILLETT, PA 16925
OWNER:	TODD CURREN	
RESOLUTION:	ARIKIAN	SECONDED: SILVERS

WHEREAS, Todd Curren, 1113 Bird Creek Road, Gillett, PA 16925 applied for an area variance at 1365 Pennsylvania Avenue, Pine City, NY 14871 to build a seventy foot (70') by one hundred foot (100') steel building; Town Code--Non-Conforming Structure-Section 525-2-1, Town of Southport, County of Chemung. The property is located in an AR zone and is commonly known as 1365 Pennsylvania Avenue, Pine City, NY 14871, Tax Parcel, 108.04-1-13.2, and

WHEREAS, the Town of Southport Board of Appeals held a public hearing on June 21, 2017 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 with a fifteen foot (15') setback side and front all the way around the entire property, to build a seventy foot (70') by one hundred foot (100') steel building—non-conforming structure, as per Town Code-Section 525-2-1, and

NOW THEREFORE BE IT RESOLVED, that an area variance be granted for a fifteen foot (15') setback side and front all the way around the entire property to Todd Curren, 1113 Bird Creek Road, Gillett, PA 16925 with respect to 1365 Pennsylvania Avenue, Pine City, NY 14871 to build a seventy foot (70') by one hundred foot (100') steel building 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, Eames, Faulkner, Williams	
Noes:	None	
Carried.	Area variance granted.	June 21, 2017