



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

ZONING BOARD OF APPEALS

PUBLIC HEARINGS (3)

MICHAEL REESE, 511 HERRICK STREET, ELMIRA, NY 14904

Area Variance: 1495 Cedar Street, Elmira, NY 14904

FAGAN ENGINEERS, O/B/O, DAVID & AMY CLEARY, 113 EAST CHEMUNG ST, ELMIRA, NY 14904

Area Variance: Autumnview Way, Pine City, NY 14871

DAN WILLIAMS, 1251 PENNSYLVANIA AVENUE, PINE CITY, NY 14871

Use Variance: 809 Maple Avenue, Elmira, NY 14904

WEDNESDAY, JANUARY 15, 2020

7:00 PM

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

Minutes of the public hearings of the Zoning Board of Appeals, Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on January 15, 2020 at 7:00 p.m. The public hearings are listed in summary above and in details are under New Business.

Item No. 1 - Call to Order

Attendance

Board Members Present: Justin Faulkner
Deborah Eames
Susan Silvers
Shawn Crater
BeLinda Combs Newly Appointed Board Member
Edward Steinhauer Arrived late but in time for Hearing Number Two

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

Item No. 2 - Approval of Minutes of December 18, 2019

Chairman Faulkner advised the next item on the agenda is the approval of the minutes of December 18, 2019. It was noted, Ms. Eames and Ms. Combs were not at the December 18, 2019 meeting and therefore could not vote on the minutes. Motion was made by Mr. Crater; seconded by Ms. Silvers to accept the minutes. December 18, 2019 minutes were unanimously approved.

Item No. 3 - New Business

(1) Michael Reese, 511 Herrick Street, Elmira, NY 14904

Re: Area variance to operate a used car lot on a sub-standard size lot allowed by Town Ordinance Section 525-110--Vehicle filing stations, vehicle repair, vehicle sales, etc.

525-110--A1a-Lot size shall be greater than one (1) acre; lot size is less than the required one (1) acre.

525-110--Ale-Minimum lot width shall be the greater of two hundred feet (200'); lot has three (3) front yards none of which meet the required minimum lot width.

525-110--B3a-No vehicle shall be parked, stored or left standing within fifteen feet (15') of a road ROW

1495 Cedar Street, Elmira, NY 14904

Tax Map#: 109.11-2-13

Current Use: Commercial

Zoned: CR

Mr. Reese explained he wanted to put a retail car lot on property located at the corner of Cedar Street and Caton Avenue. The property is undersized, commercially zoned; the request has been reviewed by the Chemung County Planning Board and referred back to the Town for local determination. Soil samples have been taken and tested determining nothing hazardous.

Mr. Reese 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. Reese – No the variance will not change the surrounding neighborhood because the area consists of car lots and retail businesses.*
- 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. Reese – No*
- Q3. Whether the requested area variance is substantial?
A. *Mr. Reese – 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. Reese – 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. Reese –No*

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 Combs, Crater, Eames, Silvers, Faulkner - no responses
- Q2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue,
Unanimous: No Combs, Crater, Eames, Silvers, Faulkner - no responses
- Q3. Whether the requested area variance is substantial?
Unanimous: Yes Combs, Crater, Eames, Silvers, Faulkner - yes 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 Combs, Crater, Eames, Silvers, Faulkner - yes 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 Combs, Crater, Eames, Silvers, Faulkner - yes responses

SEQR completed at hearing; Short Environmental Assessment Form. Motion by Crater, project doesn't have any positive or negative impact; Seconded by Silvers, Unanimous vote yes. *Combs, Crater, Eames, Silvers, Faulkner - yes responses (Mr. Steinhauer late to meeting)*

Mr. Crater made a motion to vote to on the variance to allow the 525-110 area variance at 1495 Cedar Street. Motion seconded by Ms. Eames. Unanimous vote-Yes *Combs, Crater, Eames, Silvers, Faulkner (Mr. Steinhauer arrived late to the meeting and Ms. Comb, Alternate Board Member, participated in Mr. Steinhauer's place at this hearing)*

Area variance Granted

Public Hearing for Reese Adjourned: 7:21 pm.

Original on File:

Town Clerk

C:

Town Board

Board of Appeals

Planning Board

Town Supervisor

Town Attorney

Town Assessor

Town Code Enforcement Officer

Applicant: Michael Reese, 511 Herrick Street, Elmira, NY 14904

Bonnie Balok, Secretary
Zoning Board of Appeals,
January 17, 2020

Fagan Engineers, o/b/o, David and Amy Cleary,
113 East Chemung Place, Elmira, NY 14904
Re: Autumnview Way, Pine City, NY 14871

Item No. 3 - New Business (continued)

(4) Fagan Engineers, o/b/o, David and Amy Cleary, 113 East Chemung Place, Elmira, NY 14904

Re: Area variance to build eleven (11) elevated duplexes (twenty two (22) units, minimum area requirements- Shall be ten (10) acres in the PDD in a R1 zone, as per Section 525.43 D2; duplexes not allowed in R1

Autumnview Way, Pine City, NY 14871
Tax Map #: 108.00-1-34.11

Current Use: Residential
Zoned: R1

James Gensel, Fagan Engineers, advised there has been a significant request from neighbors for information concerning this project. Mr. Gensel discussed the possibility of considering this meeting to be an informational hearing and next month hold the public hearing. The Board discussed the options and the meeting continued as a public hearing with the intent of continuing the meeting on February 19, 2020.

Mr. Gensel provided a history of the development of this area. Mr. Gensel explained in 2005 a request was received from Fred Wahl to develop Phase Three of Hillview. The predesign was approved based on what had been approved years ago. In 2006, the contractor looked at extending the project. At that time, Mr. Wahl stopped the project. In 2018, the Clearys purchased the property. In November 2018, Fagans and Clearys met with the Southport Town Board. The project proposal is to develop 4.8 acres.

Mr. Gensel further reviewed the Park Terrace Apartments project from 2004. The development at that time was structured under a housing program entitled SHPMRD, and now this has become PDD. At that time, the project required four (4) acres to put up thirty-two (32) apartments; now it is 5.2 acres for thirty-two (32) apartments. The numbers have changed and now require ten (10) acres. Fagan Engineers provided the documents and did a maximum development for SEQR. The design process goes to the Planning Board, but needs to look at zoning first.

Mr. Gensel continued by explaining single family versus duplex development. Single family-1,500 square feet can be put there now. The way zoning is written now it prohibits a cul de sac, but in 2004 the design showed a cul de sac. The current proposal is to develop duplexes; eight (8) duplexes, different types, like Strawberry Flats in Big Flats; single floor, 1,200 to 1,500 square foot, two (2) bedroom, two (2) car garages, All lawns and sidewalks would be maintained, rent \$1,500, market rate apartments. The project would be for empty nesters to encourage people to stay in Southport, bridge housing.

Mr. Gensel further explained more about the development of the project. The northern end could provide a recreational space, a trail system, a pavilion, maybe gating it. There would also be public water, septic system, raised mounds. There have been preliminary discussions with the Health Department, checking ground water, three to four foot (3-4') depth of ground water. The raised mounds combined systems are easier to maintain. The intent would be to build two (2) duplexes at a time; keep cash flow at a minimum. Strawberry Fields was constructed ten (10) at a time.

Mr. Gensel advised he did a cost estimate on single family; building to town requirements. Each lot would cost \$50,000, roadway system would mean a cost of \$150,000 per house. An example would be Gardner Road in Horseheads where they tried to build houses at \$150,000 and it is difficult to do. (25' by 48' attached garage). PDD duplex buildings can be closer to the road. Single family set back forty feet (40') which pushes the house out toward the property line.

The Board discussed concerns about cost to run a road, non-public road, and water system in the area, ground water, leach fields, septic tanks, grinder pump, gated community, why not use ten (10) acres the Cleary's have.

Chairman Faulkner advised the meeting would be open to the public. Attorney Connolly advised anyone speaking must state their name and address, statements are to be directed to the Board, speakers should be respectful of the attendance, limit comments, and for those who might not want to speak at the meeting, they should feel free to email their concerns to the Town; the applicants will respond to the questions when the comments are completed

Public Comments:

1. Marshall Lejidal, 976 Pauline Avenue, Pine City, NY
Town of Southport Sewer Committee
Concern: Traffic and do Clearys own all the land?
The Town has looked into a sewer system; don't qualify for grants because of income levels.
2. Mike Smith, 786 Cedar Street, Elmira, NY
Chemung County Legislator-14th District, former Director of Emergency Management
Concern: Contacted by constituents, suggestion--hold next meeting at Fire Department, flooding, gray water, leaching, reasonable expectation for single family homes.
3. Richard Matthews, 976 Hudson Acres, Pine City, NY
Concern: Property values, single family, market value drops by a minimum of \$10,000
Ten acres of land required, using 4.8 acres, private road, emergency road, public safety
In 2004 zoned for single family, should stay that way
Changes character of the neighborhood, adverse affect on the neighborhood

Attorney Connolly requested Mr. Matthews submit the report he has received concerning the property values.

4. Richard Wilbur, 19 Autumnview Way, Pine City, NY
Concern: Ground water, table higher, direction of water, at least 4 times pumped 8" of water out of home for 4 months. No place to put water, goes back into ground, everything going to flow to Seeley Creek, water going to go off quickly directly into the ground discharge out into the road.
5. Dave Worthery, 15 Autumnview Way, Pine City, NY
Concern: Is an environmental impact available to him?
6. Janice Dennison, 1280 Pennsylvania Avenue, Pine City, NY
Concern: Surface water; where is it going to go?
7. Dianna Vert, 44 Mt. View Drive, Pine City, NY
Concern: Rents in this area are usually \$800 plus utilities; can't see an empty nester paying to live in half a house for that kind of money; 4 units on 1 system seems like a problem.
8. Ruth Stoddard, 23 Autumnview Way, Pine City, NY
Concern: Live right next to this project. Raised mounds could be a problem to have to see out my window.
Traffic concern also.
9. Deb Worthery, 15 Autumnview Way, Pine City, NY
Concern: Traffic and road isn't maintained well as it is.
10. Steve Wida, 30 Greatsinger Road, Pine City, NY
Concern: Lives in new house right behind development of Autumnview Way; constant water problems
Rather not see this project.

Public Comments: *(continued)*

11, Dan Robbins, 983 Hudson Acres, Pine City, NY

Concern: Lived in home for 24 years, has seen a lot of changes, weather patterns are changing, Lots more rain; 2019-from May to September--33" of rain, flooded twice down at end of the road, Things have changed on Autumnview Way and Hudson Acres more rain water. Duplexes on slabs can be a problem because water goes into the ground and water will go into cellars of existing homes.

12. Bill Raplee, 986 Hudson Acres, Pine City, NY

Concern: Live in home for 46 years; why hasn't town gotten a sewer system out there to control water problems? New houses, Chesapeake Water Shed won't allow sluseway, expensive but so are the homes.

13. Richard Dennison, 1280 Pennsylvania Avenue, Pine City, NY *(Corner of Autumnway and Pennsylvania Avenue)*

Concern: Like the first proposal better; easier for garbage trucks to get down there.

14. Dave Patten, Autumnview Way, Pine City, NY

Concern: Traffic and safety of children

15. Lynne Durfee, 23 Crestview Drive, East, Pine City, NY

Concern: Lots of traffic, 16 families, 8 units will mean we will have to have our own police department to police the street; this also changes our environment. Can provide documentation.

16. James Gensel, 1246 Pennsylvania Avenue, Pine City, NY

Response: Live near this project also, not going to extend Autumnview Way to Elmira Road to Market rate housing, Cleary's will own the property,

Concerns: Storm water – duplex required this, single family does not; back area low.

Septic system – Health Department approved.

Property values – influenced by many factors.

Ten (10) acres – more about sufficient size of PDD program.

Property building in same density as R1.

Emergency access in the cul de sac - fire trucks go around

EAS – project does not require this.

Rentals – duplexes 15,000 or more; new construction.

Sewer system very unlikely to get grants.

Children playing in streets – my concern too.

Safe neighborhood – yes, we want this.

Change – usually resisted.

Own the land – duplexes we think most logical method.

We will be here next month; answer anything in writing received by the Town and will be added to this.

Motion: Ms. Silvers-suspend public hearing until February 19, 2020, to be held at the Southport Fire Department or suitable site to accommodate a large number of concerned citizens.

Motion

Seconded: Mr. Crater.

Unanimously

Approved: : Yes--- Crater, Eames, Silvers, Steinhauer, Faulkner

Fagan Engineers, o/b/o, David and Amy Cleary,
113 East Chemung Place, Elmira, NY 14904
Re: Autumnview Way, Pine City, NY 14871

ZBA set: **Deadline for public comments: Until January 29, 2020.**

Deadline for Fagan to respond to ZBA: February 7, 2020

ZBA next meeting: February 19, 2020

Public hearing for Fagan Engineers
o/b/o David and Amy Cleary Adjourned: 8:30 pm

Postponed to be reconvened: February 19, 2020
7:00 pm.
Location – TBD (*seeking the Southport Fire Department*)

Original on File: Town Clerk
C: Town Board
 Board of Appeals
 Planning Board
 Town Supervisor
 Town Attorney
 Town Assessor
 Town Code Enforcement Officer
Applicant: Fagan Engineers, o/b/o, David and Amy Cleary,
 113 East Chemung Place, Elmira, NY 14904

Bonnie Balok, Secretary
Zoning Board of Appeals,
January 17, 2020

Dan Williams, Williams Construction
1251 Pennsylvania Avenue, Pine City, NY 14871
Re: 809 Maple Avenue, Elmira, NY 14904

Item No. 3 - New Business (continued)

(3) Dan Williams, 1251 Pennsylvania Avenue, Pine City, NY 14871

Re: Use variance relief from Town Zoning, Section 525-20—Use Regulation Table to allow operation of a business in an existing vacant school that is owned by a church.

809 Maple Avenue, Elmira, NY 14904
Tax Map#: 100.09-1-1

Current Use: Commercial
Zoned: R2

Chairman Faulkner called the next public hearing to order at 8:39 pm. The public hearing is for Dan Williams, regarding 809 Maple Avenue, Elmira, NY

Mr. Williams advised a year ago, he purchased Energy Savers, a commercial glass and glazing business. The business is currently in a building that is not big enough for fabrication. The business is located on Sly Street (*in the area of Spaulding Street, Madison Avenue and Sly Street*). The business basically takes twenty four foot (24') sections of aluminum, cuts them into smaller sections and puts glass into them.

Mr. Williams explained he and his family moved to the area in 1996. He lives in Southport and wants to move his business to Southport. He looked at the Dalrymple property on Broadway, but it is too costly. The property he is looking at is in a R2 zone and was a church school facility which was not on the tax rolls. He would put the property on the tax rolls. Mr. Williams further explained he has obtained approval from the church which is contingent upon the approval of the variance. Otherwise, without the variance, he would not buy the buildings. Mr. Williams advised currently the zoning would allow a two (2) family home to be on the property.

Chairman Faulkner asked about the day to day operation and the concern about noise because this would be so close to a residential area. Mr. Williams explained the sound decibels from several different pieces of equipment, such as: Avery saw-105 decibels, DeWalt chop saw-105 decibels, the gym is ninety five feet (95') long, sawing one-half distance of the gym would generate 105 decibels inside the gym. Average kids playing is 110 decibels, saw 47.5 feet, 14.7 meters, drops from 110 to 82 decibels. There is a STC rating of 45, sound company 45, 110 decibels. Bringing the wall 89, drop 85 decibels, going to exterior wall, overhead door would equal 26; less than block wall. The overhead doors will be 56 decibels; doors closed will be 56 decibels, no decibel rating beyond 30 feet. Only noise will be the chop saw or Milwaukee impact. Installing overhead doors on the east side of building (toward Wellsburg, NY), access to gym. The classrooms will be offices; parking lot will be for employees' cars, building a new building in back lot. There will be ten (10) to twelve (12) employees and the majority of employees will be field employees. A security system will be put in with cameras. The property has a chain link fence around it. Mr. Williams further explained he will be purchasing the property in front to put a sign on this area.

Motion to open up the Public Hearing: Mr. Crater; seconded by Mr. Steinhauer. The meeting was opened up to the public at 8:53 pm.

Public Hearing:

1. Justin Hamilton, 811 Maple Avenue, Elmira, NY
Concern: Traffic in and out during the day; resident of the home sleeps during the day and works at night.
2. Mr. Williams, 1251 Pennsylvania Avenue, Pine City, NY
Response to Concern: The property is fenced off, no deliveries at night. Deliveries are usually made on Wednesday: 11:30 pm – 12:30 pm
Concern: Most of the deliveries of glass are shipped out to the job site; a few deliveries as listed. Mr. Williams advised he is very concerned about keeping the neighbors happy.

Dan Williams, Williams Construction
1251 Pennsylvania Avenue, Pine City, NY 14871
Re: 809 Maple Avenue, Elmira, NY 14904

Motion to close the public hearing: Chairman Faulkner; seconded by Ms. Silvers.

Attorney Connolly asked about the SEQR, Short Form Environmental Assessment unlisted action. The form was completed at hearing. Motion by Mr. Steinhauer to declare a negative declaration; seconded by Ms. Silvers. Unanimously approved.

Attorney Connolly advised there are four (4) factors for a use variance, if any one of the four (4) is not met, the ZBA has to reject it.

Mr. Williams submitted, in writing, and read his answers to the Use Variance requirements, questions 1-4. (See: Document, in Williams' file, dated December 5, 2019, Williams Construction, Daniel J. Williams, Page 1 and 2)

The Board went through the same questions 1-4

- Q1. The applicant cannot realize a reasonable return, provided the lack of return is substantial and demonstrated by competent financial evidence.
Unanimous: No Crater, Eames, Silvers, Steinhauer, Faulkner - no responses
- Q2. The alleged hardship relating to the lot in question is unique and does not apply to a substantial portion of the district or neighborhood in which the lot is located.
Unanimous: Yes Crater, Eames, Silvers, Steinhauer, Faulkner - yes responses
- Q3. The requested use variance, if granted, will not alter the essential character of the district neighborhood in which a lot is located.
Unanimous: No Crater, Eames, Silvers, Steinhauer, Faulkner - no responses
- Q4. The alleged hardship is not self-created.
Unanimous: No Crater, Eames, Silvers, Steinhauer, Faulkner - no responses

Motion to approve a variance for Section 525-20, Use Regulation Table for Dan Williams and Williams Construction to allow an operation of a business in an existing vacant school, that is owned by a church in a R2 zone made by Mr. Crater; seconded by Mr. Steinhauer. Unanimously approved.

Use Variance Approved.

Public hearing for Mr. Williams adjourned: 9:16 pm

Original on File: Town Clerk
C: Town Board
Board of Appeals
Planning Board
Town Supervisor
Town Attorney
Town Assessor
Town Code Enforcement Officer
Applicant: Dan Williams, 1251 Pennsylvania Avenue, Pine City, NY 14871,

Bonnie Balok, Secretary
Zoning Board of Appeals,
January 17, 2020

Michael Reese, 511 Herrick Street, Elmira, NY
Re: 1495 Cedar Street, Elmira, NY 14904

Fagan Engineers, o/b/o, David and Amy Cleary,
113 East Chemung Place, Elmira, NY 14904
Re: Autumnview Way, Pine City, NY 14871

Dan Williams, Williams Construction
1251 Pennsylvania Avenue, Pine City, NY 14871
Re: 809 Maple Avenue, Elmira, NY 14904

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 Mr. Crater. Adjournment unanimously approved.

Meeting Adjourned: 9:20 pm

Original on File:

C:

Town Clerk
Town Board
Board of Appeals
Planning Board
Town Supervisor
Town Attorney
Town Assessor
Town Code Enforcement Officer

Applicant: Michael Reese, 511 Herrick Street, Elmira, NY 14904

Applicant: Dan Williams, 1251 Pennsylvania Avenue, Pine City, NY 14871,

Applicant: Fagan Engineers, o/b/o, Dave and Amy Cleary,
113 East Chemung Place, Elmira, NY 14904

Bonnie Balok, Secretary
Zoning Board of Appeals,
January 17, 2020

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

**RESOLUTIONS
2020**

Resolution No. 1

AREA VARIANCE GRANTED

PROPERTY:	TAX MAP NO. 109.11-2-13 COMMONLY KNOWN AS 1495 CEDAR STREET	ZONED: CR ELMIRA, NY 14904
APPLICANT:	MICHAEL REESE 511 HERRICK STREET	ELMIRA, NY 14904
OWNER:	MICHAEL REESE 511 HERRICK STREET	ELMIRA, NY 14904
RESOLUTION:	CRATER	SECONDED: EAMES

WHEREAS, Michael Reese, 511 Herrick Street, Elmira, NY 14904 applied for an area variance at 1495 Cedar Street, Elmira, NY 14904 to allow for an area variance to operate a used car lot on a sub-standard size lot allowed by Town Ordinance Section 525-110--Vehicle filing stations, vehicle repair, vehicle sales, etc.

525-110--A1a-Lot size shall be greater than one (1) acre; lot size is less than the required one (1) acre.

525-110--A1e-Minimum lot width shall be the greater of two hundred feet (200'); lot has three (3) front yards none of which meet the required minimum lot width.

525-110--B3a-No vehicle shall be parked, stored or left standing within fifteen feet (15') of a road ROW

Town Code, Town of Southport, County of Chemung. The property is located in a CR zone and is commonly known as 1495 Cedar Street, Elmira, NY 14904, Tax Parcel, 1-0.11-2-13, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a public hearing on January 15, 2020 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 concerns for or against the proposal, and

WHEREAS, upon deliberation, consideration and discussion, and following inspection of the property, the members of the Zoning Board of Appeals were of the opinion that an area variance should be granted to allow for vehicle sales, as detailed above, with respect to 525-110, 525-110-A1a, 525-110-A1e and 525-110—B3a, and

NOW THEREFORE BE IT RESOLVED, that an area variance be granted to Michael Reese, 511 Herrick Street, Elmira, NY 14904 with respect to 1495 Cedar Street, Elmira, NY 14904, Tax Map 109.11-2-13 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:
Noes:
Carried.
January 15, 2020

Combs, Crater, Eames, Silvers, Faulkner
None
Area variance granted

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

**RESOLUTIONS
2020**

Resolution No. 2

USE VARIANCE GRANTED

PROPERTY:	TAX MAP NO. 100.09-1-1 COMMONLY KNOWN AS 809 MAPLE AVENUE	ZONED: R2 ELMIRA, NY 14904
APPLICANT:	DAN WILLIAMS 1251 PENNSYLVANIA AVENUE	PINE CITY, NY 14871
OWNER:	DAN WILLIAMS 1251 PENNSYLVANIA AVENUE	PINE CITY, NY 14871
RESOLUTION:	CRATER	SECONDED: STEINHAEUER

WHEREAS, Dan Williams, 1251 Pennsylvania Avenue, Pine City, NY 14871 applied for a use variance at 809 Maple Avenue, Elmira, NY 14904 to allow relief from Town Zoning Section 525-20-Use Regulation Table, to allow an operation of a business in an existing vacant school that is owned by a church in a R2 zone, Town Code, Town of Southport, County of Chemung. The property is located in a R2 zone and is commonly known as 809 Maple Avenue, Elmira, NY 14904, Tax Parcel, 100.09-1-1, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a public hearing on January 15, 2020 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 one individual voicing a concern about the proposal, and

WHEREAS, upon deliberation, consideration and discussion, and following inspection of the property, the members of the Zoning Board of Appeals were of the opinion that a use variance should be granted to allow an operation of a business in an existing vacant school that is owned by a church in a R2 zone, and

NOW THEREFORE BE IT RESOLVED, that a use variance be granted to Dan Williams, 1251 Pennsylvania Avenue, Pine City, NY 14871 with respect to 809 Maple Avenue, Elmira, NY 14904, Tax Map 100.09-1-1 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:	Crater, Eames, Silvers, Steinhauer, Faulkner
Noes:	None
Carried.	Use variance granted

January 15, 2020