



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, February 19, 2020

7:00 PM

Minutes of the regular meeting of the Town of Southport Zoning Board of Appeals, held at the Southport Fire Department, 1001 Carl Street, Elmira, New York on Wednesday, February 19, 2020 at 7:00 p.m.

Board Members Present: Justin Faulkner, Chairman
BeLinda Combs, Alternate Board Member
Deborah Eames
Susan Silvers, Vice Chairman
Edward Steinhauer

Board Members Absent: Shawn Crater

Others Present: Leslie Connolly, Town Attorney
Peter Rocchi, Town Code Enforcement Officer
Michelle Murray, Secretary

Item No. 1 - Call to Order

Chairman Faulkner called the meeting to order on or about 7:00 p.m.

Item No. 2 - Approval of Minutes of January 15, 2020

Chairman Faulkner advised the next item on the agenda was the approval of the minutes of January 15, 2020. Vice Chairman Silvers stated that the square footage mentioned on page 4 should read 1,200 to 1,500 square feet. Motion was made by Board Member Steinhauer to approve the January 15, 2020 minutes with the changes mentioned; Vice Chairman Silvers seconded the motion. The minutes were unanimously approved.

Item No. 3 - New Business

Informational Hearing

- (1) Kevin Snyder of 792 Middle Road, Millerton, PA 16936
Requesting an Area Variance to subdivide land into .3937 acres which does not meet current Bulk Density Control Schedule requirements of Section 525-24 of three (3) acres.

77 Sunset Road, Wellsburg, NY 14894

Tax Map#: 119.00-2-5

Current Use: Residential

Zoned: AR

Mr. Snyder explained he wants to divide his land located at 77 Sunset Road into two parcels. The parcel with the house would be on .3937 acres and the remaining vacant land would be on the west side of State Route 14, which he plans to sell. Code Officer Peter Rocchi explained that the issue was created when State Route 14 was developed in the 1950's.

There were no further comments from the Board. Chairman Faulkner set a public hearing for Wednesday, March 18, 2020 at 7:00 p.m. concerning the area variance.

Item No. 3 - New Business

Public Hearing continued from January 15, 2020

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

Regarding an area variance to build eleven (11) elevated duplexes (twenty two (22) units on approximately four (4) acre lot, minimum area requirements shall be ten (10) acres in the Planned Development District (PDD) as per Section 525.43 D2; also, duplexes not allowed in R1 zone.

Autumnview Way, Pine City, NY 14871

Tax Map #: 108.00-1-34.11

Current Use: Residential

Zoned: R1

Chairman Faulkner read the comments received from the public and Mr. Gensel gave an explanation on each comment by category:

Reason to Develop, Site Plan, Zoning, Groundwater, Stormwater, Traffic, Construction, Character of the Neighborhood, Flora, Property Ownership, and Septic System Design.

Chairman Faulkner then opened the meeting for public comment at 8:36 p.m. and advised anyone speaking to state their name and address.

Public Comments:

1. Dan Robbins of 983 Hudson Acres, Pine City, NY was concerned about all of the side streets off of Pennsylvania Avenue consist of single-family homes (SFH) and the duplexes are completely different than what is currently there. He is in favor of individual homes with descent size lots without doubling the amount of people. He wants to keep the individual houses and owners who care about their property. His is opposed to rental properties. There is no benefit to the

neighbors. He asked if the road could connect to Country Lane instead of Elmira Street.

2. David Cleary of 59 Crestview Drive West, Pine City, NY explained his reason for constructing duplexes and the need to develop them for seniors. The homes would not be low income housing.

3. Mike Frame of 1288 Pennsylvania Avenue, Pine City, NY asked about cul-de-sacs and the height of the houses. He stated that new codes are created to solve problems that we have had in the past. He asked about the required lot sizes to build a single-family home (SFH) and how close the duplexes would be to the lot lines.

4. Roberta Aumick of 9 Autumnview Way, Pine City, NY was concerned with duplexes and the amount of traffic that will be on Autumnview Way. She would rather have the road opened up to Elmira Street.

5. Eugene Slater of 974 Hudson Acres, Pine City, NY asked about the sewage systems that would be used, leach fields versus drywells, waste water and groundwater.

6. Daryl Allington of 972 Hudson Acres, Pine City, NY asked about the water basin location, run-off and the overflow. He is concerned with the overflow of water into the ditch and flooding.

No one else wished to be heard, Chairman Faulkner closed the public hearing portion of the meeting at 9:05 p.m. and turned it over to the Board. The Board took a five minute recess and resumed at 9:12 p.m.

Next Mr. Gensel 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: No. The proposed duplex buildings are of a similar footprint (within 10%) to the other single-family residences on Autumnview Way. The only differentiation is the additional driveway for each building. Sample building prototypes have been provided to demonstrate the compatibility.

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: No. The Applicant sought an interpretation by the ZBA that was denied. The Applicant has reviewed the potential to merge the property with their existing single-family residence and then subsequently subdivide the property (essentially no difference than the interpretation) however that would not be allowed with the current mortgage on the single-family residence.

Q3. Whether the requested Area Variance is substantial?

A: Yes. However, the rationale for the minimum lot size is to ensure sufficient green-space and density of use. The proposed development is less dense and less lot coverage than if it is developed in accordance with the underlying R-1 Zoning. The proposed density is 26,000 sf per building versus the current allowable 15,000 sf per building.

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: No. In fact, there will be less environmental impacts since the development of duplexes requires stormwater mitigation for quality and quantity versus the single-family development which requires no stormwater mitigation.

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: Yes. Most Variance requests are self-created. However, this is mitigated by the fact that developing the site under the current zoning is problematic since the groundwater depth precludes the development of traditional single-family residences with basements. The only other allowable Permitted Use is a Group Family Home.

The SEQR Short Environmental Assessment Form Part 2 was completed. Board Member Steinhauer made a motion to accept the SEQR as a negative declaration; seconded by Board Member Eames.

AYES: Combs, Eames, Faulkner, Silvers, Steinhauer

NOES: None

ABSENT: Crater

MOTION CARRIED.

James Gensel, on behalf of the applicant David Cleary, will prepare the comments supporting the negative declaration of significance.

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?

YES: Combs, Steinhauer
NO: Eames, Silvers, Faulkner

Q2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than granting an Area Variance:

YES: None
NO: Combs, Eames, Silvers, Steinhauer, Faulkner

Q3. Whether the requested area variance is substantial?

YES: Combs, Eames, Silvers, Steinhauer, Faulkner
NO: None

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

YES: None
NO: Combs, Eames, Silvers, Steinhauer, Faulkner

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?

YES: Combs, Eames, Silvers, Steinhauer, Faulkner
NO: None

Vice Chairman Silvers made a motion to vote to on the variance to allow the area variance at Autumnview Way. Motion seconded by Board Member Eames.

YES: Eames, Silvers, Faulkner
NO: Combs, Steinhauer

Area variance Granted.

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

**RESOLUTIONS
2020**

Resolution No. 3

AREA VARIANCE GRANTED

PROPERTY:	TAX MAP NO. 108.00-1-34.11 COMMONLY KNOWN AS AUTUMNVIEW WAY	ZONED: R1 PINE CITY, NY 14871
APPLICANT:	FAGAN ENGINEERS, O/B/O DAVE AND AMY CLEARY 113 EAST CHEMUNG PLACE	ELMIRA, NY 14904
OWNER:	DAVE AND AMY CLEARY 59 CRESTVIEW DRIVE W	PINE CITY, NY 14871

RESOLUTION: Silvers
SECONDED: Eames

WHEREAS, Fagan Engineers, on behalf of Dave and Amy Cleary, applied for an area variance at Autumnview Way, Pine City to allow for construction of eight (8) duplexes on a 4.8 acre lot located in an R1 zone which does not meet the required ten (10) acres required in a Planned Development District (PDD) per Town Code Section 525-43 D 2 Planned Development District, Town Code, Town of Southport, County of Chemung. The property is located in an R1 zone and is commonly known as Autumnview Way, Pine City, New York 14871, Tax Parcel, 108.00-1-34.11, 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, and continued the public hearing on February 19, 2020 at the Southport Fire Department, 1001 Carl Street, Elmira, New York with several individuals voicing concerns 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 an area variance should be granted to allow for construction of eight (8) duplexes on a 4.8 acre lot in a PDD zone, and

NOW THEREFORE BE IT RESOLVED, that an area variance be granted to Dave and Amy Cleary, 59 Crestview Drive W, Pine City, New York 14871 with respect to Autumnview Way, Pine City, New York, Tax Map 108.00-1-34.11 to allow for construction of eight (8) duplexes on a 4.8 acre lot in a PDD zone 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: Eames, Silvers, Faulkner
Noes: Combs, Steinhauer
ABSENT: Crater
Carried.

Item No. 4 – Old Business

No old business.

Item No. 5 – Discussion

No discussion.

Item No. 6– Adjournment

Board Member Steinhauer made a motion to adjourn the meeting; Vice Chairman Silvers seconded the motion. All in favor. Meeting adjourned at 9:50 p.m.

Respectfully submitted,

Michelle Murray
Secretary

Original on File:
cc:

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