



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue  
Elmira, NY 14904

MINUTES APPROVED  
BY BOARD OF APPEALS  
NOVEMBER 15, 2023

## BOARD OF APPEALS

### MINUTES

WEDNESDAY, SEPTEMBER 20, 2023

### INFORMATIONAL HEARING

Matthew Davis  
1607 Pennsylvania Avenue, Pine City, NY 14871  
**7:00 PM**

Re: 1607 Pennsylvania Avenue, Pine City, NY 14871

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

Minutes of the informational hearing of the Zoning Board of Appeals, Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on September 20, 2023 at 7:00 pm.

### **Attendance**

Board Members Present: Justin Faulkner  
Shawn Crater  
Susan Silvers  
Kenneth Wrigley

Board Member Absent: Belinda Combs

Others Present: 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 7:01 pm.

### **2. Approval of Minutes of August 16, 2023**

Chairman Faulkner advised the next item on the agenda is the approval of the minutes of August 16, 2023. Motion by Mr. Wrigley to accept the minutes as prepared; Seconded by Ms. Silvers. The minutes of August 16, 2023 were unanimously approved.

### **3. New Business**

Informational Hearing for Matthew Davis, 1607 Pennsylvania Avenue, Pine City, NY 14871

Re: 1607 Pennsylvania Avenue, Pine City, NY 14871

Use 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

Current Use: Residential

Mr. Davis advised he does not have any chickens yet; he and his wife would like to have three (3) to four (4) hens (*no rooster*) and build a coop for the chickens. They have a daughter and son, and would like to teach them about hard work and taking care of something. Having their own eggs would be a savings plus. They bought the property five (5) years ago, repainted all buildings, tore down the previous garage and put up a new garage. They take a lot of pride in their property and no one could see the coop put up for the chickens. They have a long driveway and a two (2) story barn. The chickens will not be free range chickens roaming around. The neighbors have goats and chickens. The goats are in the front yard and there is an odor problem.

Matthew Davis, 1607 Pennsylvania Avenue, Pine City, NY 14871  
Re: 1607 Pennsylvania Avenue, Pine City, NY 14871  
Use 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 Current Use: Residential

**3. New Business (continued)**

Ms. Silvers explained the neighbor’s land is zoned agriculture.

Mr. Crater explained the Board has to look at the residential neighborhood. Someone with 2.6 acres coming in for a variance could create problems.

Chairman Faulkner advised there are questions required by the state which include is the hardship self-created. Also, the variance goes with the land. If the property is sold, the variance would allow the new owners to have chickens and there might be a different property maintenance which could bring about problems. If it were four (4) to four and one-half (4 ½) acres this might be considered substantial. This situation has one-half (1/2) of what is required. If allowed this could create a problem. We might ask the town attorney to research this. The Town Board meets on the second Tuesday of October (*October 10*) and the ZBA might be able to ask the Town Board to look at the increase in chicken requests coming before the ZBA and consider a permit/license procedure. The request would be for the Town Board to consider this change and then send the request for review to the Planning Board.

Mr. Rocchi explained the Board has talked about redoing the comprehensive plan.

Discussion continued concerning a review of this issue by the Town Board and Planning Board. The ZBA requested Secretary Balok send a letter to the Town Board requesting a review of this issue based upon the fact the ZBA has been seeing an increase in residents’ requests to keep chickens and small livestock in the R-1 District. The requests are continuing and it seems appropriate to have our current laws re-examined. The proposal is to consider a permit/license process in place of a variance that permanently goes with the land.

Chairman Faulkner made a motion to table the public hearing for Mr. Davis until hearing from the Town Board and the Planning Board. Seconded by Ms. Silvers. Unanimously approved. Letter to be drafted by Secretary Balok.

**4. Old Business**

Two (2) applicants applied for the alternate ZBA Board position to replace Mr. Steinhauer. Both have provided written information and one (1) attended the meeting. In attendance: Mr. Kent Collier. Absent: Mr. Daniel Howe. The ZBA board members reviewed the letters provided by each applicant and interviewed the applicant in attendance. After discussion, a motion was made by Mr. Crater to appoint Mr. Collier to the ZBA as the alternate board member; seconded by Ms. Silvers. Unanimously approved. Letter will be prepared by Secretary Balok advising the Town Board of the ZBA recommendation to appoint Mr. Kent R. Collier, 22 Left Branch Dry Run Road, Pine City, NY to the ZBA as the alternate board member.

**5. Discussion**

No further discussion.

**6. Adjournment**

Mr. Wrigley made a motion to adjourn. Ms. Silvers seconded the motion. Unanimous vote yes to adjourn.

Meeting adjourned: 7:45 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 of 9/20/2023 to: Matthew Davis, 1607 Pennsylvania Avenue, Pine City, NY 14871

Bonnie Balok, Secretary  
Zoning Board of Appeals  
September 25, 2023

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