



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

**MINUTES APPROVED
BY BOARD OF APPEALS**

FEBRUARY 21, 2024
(Minutes Pages 1-9)

BOARD OF APPEALS

MINUTES

WEDNESDAY, JANUARY 17, 2024

ORGANIZATIONAL MEETING

ELECTION OF OFFICERS, MEETING DATE & TIME FOR 2024

PUBLIC HEARING (1)

JESSE SCHROEDER

AREA VARIANCE-481 BECKWITH ROAD, PINE CITY, NY

INFORMATIONAL HEARING (1)

ANDREW HARDING , O/B/O, CHERRY LANE PARK

1170 SHERMAN AVENUE
ELMIRA, NY

7:00 PM

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

Minutes of the organizational meeting of the Zoning Board of Appeals, Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on January 17, 2024 at 7:00 pm. The organizational meeting was held at 7:00 p.m., followed by a public hearing and informational hearing.

Item No. 1 - Call to Order

Attendance

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

Alternate Present: Kent Collier

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

Item No. 2 - Organizational Meeting

Organizational Meeting

The organizational meeting was called to order by Mr. Faulkner. The purpose of the organizational meeting was to elect a chairman, vice-chairman, secretary and select a meeting day and meeting time.

Resolution No. 1

Appointment of Justin Faulkner, Chairman of the Zoning Board of Appeals, Town of Southport for the year 2024.

Resolution by: Silvers

Seconded by: Combs

Whereas, the Zoning Board of Appeals held an organizational meeting to elect a chairman for the year 2024, and
Whereas, Ms. Silvers made a motion to nominate Justin Faulkner as Chairman, and Ms. Combs seconded the motion.
Resolved, Justin Faulkner will serve as Chairman of the Zoning Board of Appeals, Town of Southport for the year 2024.

Ayes: Combs, Crater, Silvers, Wrigley Abstained: Faulkner Nays: None Carried.

Resolution No. 2

Appointment of Susan Silvers, Vice-Chairman Zoning Board of Appeals, Town of Southport for the year 2024.

Resolution by: Combs

Seconded by: Crater

Whereas, the Zoning Board of Appeals held an organizational meeting to elect a vice- chairman for the year 2024 and
Whereas, Ms. Combs made a motion to nominate Susan Silvers, and Mr. Crater seconded the motion.
Resolved, Susan Silvers will serve as Vice-Chairman, Zoning Board of Appeals, Town of Southport for the year 2024.

Ayes: Combs, Crater, Faulkner Wrigley Abstained: Silvers Nays: None Carried

Resolution No. 3

Appointment of Bonnie Balok, Secretary, Zoning Board of Appeals, Town of Southport for the year 2024.

Resolution by: Faulkner

Seconded by: Silvers

Whereas, the Zoning Board of Appeals held an organizational meeting to elect a secretary for the year 2024, and
Whereas, Mr. Faulkner made a motion to nominate Bonnie Balok, and Ms. Silvers seconded the motion.
Resolved, Bonnie Balok will serve as Secretary, Zoning Board of Appeals, Town of Southport for the year 2024.

Ayes: Combs, Crater, Faulkner, Silvers, Wrigley Nays: None Carried:

Resolution No. 4

Meeting Day for the Zoning Board of Appeals, Town of Southport shall be the third Wednesday of each month.

Resolution by: Silvers

Seconded by: Crater

Whereas, the Zoning Board of Appeals held an organizational meeting to select a meeting day for the year 2024, and
Whereas, Ms. Silvers made a motion to set the meeting day as the third Wednesday of each month, and Mr. Crater
seconded the motion.
Resolved, the third Wednesday of each month shall be the meeting day for the Zoning Board of Appeals for the year 2024.

Ayes: Combs, Crater, Faulkner, Silvers, Wrigley Nays: None Carried:

Resolution No. 5

Meeting Time for the Zoning Board of Appeals, Town of Southport shall be 7:00 p.m.

Resolution by: Silvers

Seconded by: Crater

Whereas, the Zoning Board of Appeals held an organizational meeting to select a meeting time for the year 2024, and
Whereas, Mr.Faulkner made a motion to set the meeting time as 7:00 pm each month, and Ms. Silvers seconded the motion.
Resolved, 7:00 p.m. shall be the meeting time for the Zoning Board of Appeals for the year 2024.

Ayes: Combs, Crater, Faulkner, Silvers, Wrigley Nays: None Carried:

Organizational Meeting Adjourned: 6:50 pm

Item No. 3 - Approval of Minutes of December 20, 2023.

Ms. Silvers made a motion to approve the minutes of December 20, 2023; seconded by Mr. Wrigley. The minutes of December 20, 2023 were approved; abstaining Ms. Combs and Mr. Crater, both absent on December 20, 2023.

Item No. 4 – New Business

Attendance: Applicant Jesse Schroeder

Chairman Faulkner advised this is a public hearing for Jesse Schroeder, 481 Beckwith Road, Pine City, NY requesting an area variance for a minimum setback for an outdoor wood-burning furnace, shall be setback not less than two hundred feet (200’) from a lot line.

Mr. Schroeder was asked for the paid legal ad receipt. Mr. Schroeder advised he did not have a receipt for the legal advertisement because he did not receive any notice to pay for the ad. Based upon the fact, the legal ad was not paid, the public hearing notice was not published by the “Star-Gazette”, and therefore the public hearing could not proceed. Mr. Crater made a motion to table the public hearing until next month. Ms. Combs seconded the motion. Unanimously approved.

An updated legal advertisement will be sent to the “Star-Gazette” Legal Ad Department. A copy will be emailed to Mr. Schroeder. The legal advertisement must be paid by the applicant before the scheduled public hearing can be held. The applicant is required to submit the legal notice paid receipt to the ZBA for the record on the date of the hearing. *(A copy of the legal notice and instructions will be sent to the applicant)*
(Note: a sign will be posted on the applicant’s property alerting the residents to the up-coming public hearing).

Public Hearing for Jesse Schroeder, 481 Beckwith Road, Pine City, NY

Adjourned: 7:16 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 to Jesse Schroeder, 481 Beckwith Road, Pine City, NY 14871

Bonnie Balok, Secretary
Zoning Board of Appeals
January 18, 2024

**MINUTES APPROVED
BY BOARD OF APPEALS**
FEBRUARY 21, 2024
(Minutes Pages 1-9)

3. New Business (continued)

Attendance: Applicant Andrew Harding, AIA, NCARB, AJH Design, o/b/o Cherry Lane Park, LLC
Michael Bruno, Attorney for Cherry Lane Park, LLC

Chairman Faulkner advised this is an informational hearing for Andrew Harding, o/b/o Cherry Lane Park, LLC, 111 East 14th Street, Elmira Heights, NY concerning subject property: 1170 Sherman Avenue, Elmira, NY, requesting an area variance for the minimum exterior structure width of twenty feet (20'), seeking an area variance to reduce that to fifteen feet (15') two inches (2") or less. The twenty foot (20') requirement for a mobile home park limits the units that would be available and increases the cost of the homes. To comply with a majority of the zoning requirements, they will be reducing the lot to fifteen (15) homes based on this minimum unit size.

If required to comply with the minimum width of twenty feet (20') it would further reduce the lot to fourteen (14) homes based on a minimum width of available units at twenty six feet (26').

The owner intends to market these homes for sale and the cost for the double wide units would exceed the median home price in this area. The variance request is not a substantial request. The applicant states the twenty feet (20') requirement is a recent change in the zoning law and it does create a hardship for the owner that has not been self-created. *(a bound document, with letter dated January 5, 2024, was hand-delivered to all ZBA members.*

Mr. Harding advised, based on the outcome of the last meeting, where they were seeking a variance for thirteen feet (13') for units, now a revised plan is being submitted and they have looked at additional market analysis of single family homes, in the market. We have provided a spread sheet, basically looking at development costs and comparisons looking at that thirteen feet (13'). A single wide unit is a lot more in line with the market value with the homes in this area. Examples: 1219 Shannon Avenue and South Main Street, Elmira, NY are around ninety-nine thousand (\$99,000) and ninety thousand (\$90,000); nine hundred square feet (900'), coming in at roughly one hundred dollars a square foot (\$100). This is a comparison of the single homes in this area and as far as the single wide units, we feel that currently meets the market of the present. We revised the plan to fifteen foot, two inch (15' 2") wide units, because of zoning setbacks, that does require us to lose one (1) unit, so instead of sixteen (16) units this takes us to fifteen (15) units. The concern we have is if we go to double wide units and we are going to be at twenty six feet (26'), it's going to further reduce what we can get on the site. When the owner took possession of the property, there were as many as twenty five (25) units on the property at the time. Twenty feet (20') is the minimum requirement of the zoning ordinance, we are looking at twenty six feet (26') as the minimum double wide we can get.

Ms. Combs stated when you took possession of this, there were already twenty five (25) units and it was out of compliance. The whole point of this is to get this into compliance.

Attorney Bruno, what we have is a grandfathered use and that says that the use can continue and the town can't prohibit an existing use in the area from continuing. Essentially, what that is if that's the case, the owner would be entitled to get compensated for it. We are not looking to increase the non-conforming use, the plan that we have put forth is a decrease in the non-conforming use. There would be fewer units than were there before. The park has been in place for almost fifty (50) years, well before any zoning regulations, that set forth the twenty feet (20'). Prior to that, there was an area requirement that was there, that zoning regulation as well. Probably no one in the room would know what the zoning regulations were at the time that park was put in. Pete would probably have the best guess, but I doubt it. The reality is we could get ten foot (10') wide units and put them right back where the old units were and put twenty five (25) units back on the space without any variations, without any variance, but that's not something we are looking to do.

Mr. Rocchi advised he did not know the exact date of the park.

Ms. Silvers asked why Attorney Bruno thinks they would be able to do that? Attorney Bruno advised that's what the Code says. Ms. Silvers advised the Code does not say that. The Code says twenty feet (20'). Attorney Bruno advised, no the Code says, that if there is a non-compliant use, we can replace it, any unit within twenty four (24) months of removing it with a unit of identical or smaller size, as long as we don't increase the non-conforming use. That's not what we are looking to do. What we are looking to do is improve the entire park. We are looking to put units in that are in accord with the neighborhood, not ten feet (10') by twenty feet (20') or thirty feet (30'), four hundred square feet (400'), we are looking to put units that would fit more within the neighborhood, a square footage of five hundred (500) to seven hundred (700) probably.

Ms Silvers asked Attorney Dorritie for clarification of the legal information that has been discussed. Attorney Dorritie, yes I will rely upon the Zoning Code Officer and requested the section Attorney Bruno referenced. Attorney Bruno advised, Section 525-130, B, 1b, replace with identical or smaller size units within twenty four (24) months of removal, that means we would have to put them in a haphazard position, like they were before, and not at all what we want to do, the goal is to renovate the entire park.

Attorney Dorritie, asked are the new units going to be on the same footprint as the previous units? Attorney Bruno, that is not our intent, our intent is for that not to happen to be setting units in there haphazardly, one this way and another one that way, they were all over the place. Our intent is to have a design, similar to that, which would reduce the number of all over units and increase park space for each unit, but they wouldn't be in the same position; far more expensive to the owner, but in keeping with what would be desired in the neighborhood.

Ms. Silvers reviewed the section quoted above, and Attorney Dorritie advised Ms Silvers would want to look at number 2, conform with the new district, speaks to what Mr. Bruno is referencing here, it does require it be in the identical footprint here, but I understand why you want to locate it in a place other than the existing footprint, which will actually add to the non-conforming use.

Attorney Bruno advised it will be a greater benefit to the residents and the Town for us to change the layout of that park, than there is to just buy the units and put them back the way it was.

Attorney Dorritie asked when they intend to place the new structures? Attorney Bruno advised, first they have to get a variance. Assuming we get the variance, first step is we have to remove more of the existing structures there, then do infrastructure work-septic, utilities, gas and put new roadways in with landscaping; it's going to take some time.

Attorney Dorritie asked if Attorney Bruno could provide an estimate of time? Attorney Bruno advised they hope to start construction in the spring when weather clears and hopefully have units placed by the fall; August or September timeframe.

Ms. Silvers asked how long has it been since any trailers have been removed? Attorney Bruno advised removed ten (10) in September.

Ms. Combs asked, if I understand you correctly, that you can maintain the smaller buildings if you do it on the exact same footprint? Attorney Bruno explained, that's not our only argument. Ms. Combs stated that's the argument that you made. Attorney Bruno advised, that's not an argument, that's a statement.

Ms. Combs asked how much is it going to cost them to add all those new septic systems, just curious. Attorney Bruno advised, they are much smaller units. Ms. Combs advised she understands. Attorney Bruno explained, it wouldn't involve having to reroute utilities, wouldn't have to do electric, would involve having to put in new roadways. Ms. Combs asked if the roadways, the electric, septic all that, is up-to-date now? Attorney Bruno advised, all the infrastructure is all there. Mr. Harding advised, it's all underground. Ms. Combs advised, I understand.

Mr. Crater advised, speaking as a resident that grew up in that area, 262 Curtis Street, that has been a blight piece of property in the Town of Southport for my fifty (50) years that I've been in existence. I think what Mr. Harding is trying to do is improve that area, they will have less trailers than are there now, which will be much better, but there are some concerns, one of them is you are continuing the trailer court all the way over to Cadet Terrace which it is not currently, where it ends with a vacant lot, so not sure on the traffic pattern and stuff like that, that hasn't been made very clear to me anyways. The other, at our last meeting, you presented fourteen foot wide (14') and sixteen foot wide (16') trailers, that's what you are asking for is sixty foot (60') or less so they could have a mix of either, and at the last meeting we were told that they weren't all going to be new units, they could be renovated units; old units you have bought, bring in and remodel them, and that's concerning to me, I don't want to replace this with just older units.

Attorney Bruno advised, that's not exactly what we had said, what we had said was that, what we are looking to do is put in the thirteen feet (13') and however many inch units, those are the ones we can put in and we will be in a position where every bit of market analysis and, however we try to look at the numbers, we can sell. When you get to the sixteen foot (16') or doublewides, there's no market to sell them, that's part of that, as to the age of the units, pursuant to our agreement with the Town Board, if we were to find a unit, it would be less than ten (10) years old, anything would be less than ten (10) years, and finding units that are less than ten (10) years old, that are available, is not very common, it's an option, but it's unlikely that's what we are going to do.

Ms. Combs advised, you jogged my memory on something because it is the whole part here. There were no existing structures in that part of the park, this right? Mr. Crater advised the back section is basically a field right now. Ms. Combs asked, so there are no existing structures? Mr. Crater advised, no existing structures, they would need to be brought up to current Code. Ms. Combs confirmed, so there are no existing structures on that area, so the ruling doesn't apply to any of those that are extended out there.

Attorney Bruno advised, what he said, if we could not get a variance, we could put a unit on everyone of those sites, if we weren't to get a variance, that's not what our goal is and I don't think that's what is in the best interest of anyone.

Ms. Combs explained, you've extended that park all the way up. Attorney Bruno advised, that's the variance we are asking for. Mr. Crater advised, if they want to build on that back section, you are correct, it would have to have a variance to put the last three (3) because he's not pulling a trailer out and putting another one there. Ms. Combs, I understand he has to have the variance, but as far as replacing, there is nothing to replace there. Mr. Crater, correct.

Attorney Bruno explained, I never said we were replacing anything there in that section of the park. Ms. Combs, advised she didn't say that you did. Ms. Combs advised, my point is that section doesn't fall under your argument there. Attorney Bruno, advised correct.

Mr. Crater advised, his other concern is the timeframe that was brought up at our last meeting, that it would be a build and sell basis, to get started we need to get some done, sell or rent them to continue on the project. My concern is this project taking a lengthy amount of time and disrupting this neighborhood, even more than it has been for fifty five (55) years for the residents over there.

Attorney Bruno advised, he can not tell you exactly how long it will take to do any portion of it. In theory, what we would likely be doing is putting this section in. We would put in one (1) strip because we would get all the units removed that are there now, give tenants in the park the option of moving into those units and purchasing the units. There are variance programs through the IDA, not local IDA, but through an IDA in another area which I deal with all the time, and about different programs that NYS offers for housing and different things, so there are ways, and I think the size of the units that we are looking at, if we are able to get the variance, and if we are able to put in a thirteen (13) by forty four (44), we can price point them at seventy thousand (70,000), seventy five thousand (75,000) somewhere in that neighborhood, I think we can sell them. Attorney Bruno also advise he spoke with two different realtors in the area; both of them were confident with those price points, for brand new structures, they could sell them.

Mr. Crater asked, can we, if an area variance is granted, include a timeframe for completion of construction? Attorney Dorritie advised the Board can put in a contingency. Mr. Crater a contingency would be good so this wouldn't drag out three or four years.

Mr. Harding advised, just keep in mind if the contingency is added, there's quite a bit of work that has to be done. Just knowing construction, and being in that field, I think twelve (12) months is going to be way too aggressive. Mr. Crater I understand, but if twelve (12) months is too short, is twenty four (24) months too long? Mr. Crater explained, that's why we ask, is there a timeframe you or the developer has? Mr. Harding advised, he does know that we talked about phasing it, so the idea of this entire street happening, and from my client's perspective, the goal is to get it done as quickly as possible.

Attorney Bruno advised, he knows at the last meeting we had discussed some questions that occurred at the end, and asked if it would be possible to address those questions? Chairman Faulkner advised, he thought it might be worth it because some of the board members weren't present at the last meeting.

Attorney Bruno explained there were two (2) questions that we received and the response was no; the first being the hardship created by the applicant. I think that was one (1) of the two (2). I think there was a split on that with the number of yes votes and the no vote, and the statement that was made, at the time, was my client, when he purchased the property, could have checked on all this and would have known. We were beyond the portion where we could discuss that, this is clearly, and I am sure your counsel will educate you on that, but that is clearly against NYS law. My client steps into the shoes of the prior owner, the prior owner and the prior owner, you can't say that now he bought it he should have known about it and so he created it. He bought a viable business that was operating as a mobile home park and that was a grandfathered, non-conforming use that has its existing status. He didn't create after the laws, and his purchasing it doesn't change the fact, he didn't create the hardship. I just wanted to put that on the record. Again, your counsel can discuss this in more detail with you. The other one was whether the variance asking for the thirteen feet (13') two inches (2") is a substantial variance; whether it is substantial or not substantial, and one of my initial thoughts was where is substantial defined in this Southport Town Code.

Attorney Bruno continued, I found no definition within the Southport Town Code as to what substantial maybe. There is no definition in the Code, I haven't seen one. Attorney Bruno asked Mr. Rocchi if he was aware of one; Mr. Rocchi advised he is not aware of one. Attorney Bruno explained he went back through the Town Board minutes and the minutes of the Zoning Board because I figured they would be the Board that would be most likely to have something. The only time I can find substantial being defined was by this Board in March 2018, where they said substantial is a deviation for more than fifty percent (50%) of the Code, whereas the size variance is less than fifty percent (50%), and advised he just wanted to note that.

Ms. Combs asked Attorney Bruno, in his estimate, what is the percent for this project? Attorney Bruno advised thirty percent (30%), thirty five percent (35%).

Attorney Dorritie advised, just as a point of clarification, asking for a variance less than fifteen feet (15'). Mr. Crater explained they are looking for a variance of fifteen feet (15') two inches (2'') or less, lengths are two different lengths; forty four (44) and fifty six (56).

Ms. Silvers advised, the Code says twenty (20). Attorney Dorritie advised the request for a variance in December said less than twenty (20), seeking a variance for thirteen feet (13'), so although you are asking for fifteen feet (15') now, you actually are relying on the "or less"

Ms. Silvers advised she thinks "or less" should be struck, in the language we don't need "or less". Mr. Crater advised the way he understood it this could be less than fifteen feet (15'). Ms. Silvers explained she went to a lot of trailer websites on pricing and they go anywhere from fifty (50) to ninety nine (99).

Attorney Bruno advised, it's cost prohibitive for us to put fifteen (15) units in, we have the fifteen (15) and thirteen (13) units and have given you the spreadsheet. Your pricing may not include the skirting, the pad, electric, putting new roads in, all the other factors that are all overhead that goes into everyone. I can't tell you where you are getting your pricing and what they included. I can tell you we are giving you our pricing from mobile home manufactures, a number of which I deal with all over the state and those are the prices we have to develop this particular park, fifteen feet (15') plus units are cost prohibitive for us to do the project.

Ms. Combs stated, basically the fifteen feet (15') is really not accurate, the request is the "or less" part and it is the exact same you asked for in December, thirteen feet (13')

Attorney Bruno advised, we are asking for a fifteen feet (15') or less variance. Ms. Combs stated further, you are stating that fifteen feet (15') is cost prohibitive. Attorney Bruno stated, yes fifteen feet (15') is cost prohibitive.

Attorney Dorritie stated, if she may, this is arguably a reapplication from the previous application and it is within the Board's power to either grant the opportunity to reapply or to deny it. Typically given the opportunity to reapply is because there has been a substantial change in the application and the surrounding circumstances.

Attorney Bruno advised, he thinks the circumstances are the definition as to what substantial was. This Board, maybe not be these particular members, but this Board has defined substantial as fifty percent (50%). The record from the last meeting will reflect, very specifically. that the thirty five percent (35%) is a substantial variance and that was why our application was denied. With that in mind, perhaps a reapplication is warranted. Chairman Faulkner asked Attorney Bruno which case that is? Attorney Bruno advised Zoning Board March 2018.

Ms. Combs advised it was denied in part because of that, but also because of public input as well. Attorney Dorritie advised just because this is not defined, it is within the Board's discretion. Ms. Combs explained that wasn't the sole reason, the Board, as a whole, has very strong opinions on it, it's not the only reason.

Attorney Bruno advised he didn't recall anyone from the community speaking out about a thirteen foot (13'), fifteen foot (15') versus a twenty six wide (26) trailer. *(Comment from a resident, advised he did. Chairman Faulkner explained to the gentleman there is no public hearing, and apologized; the gentleman spoke up again and said, basically he is asking for the same thing. Chairman Faulkner advised he is asking again, we did receive your letter and thank you. Right now we are not partaking in a public hearing, thank you).*

Chairman Faulkner asked Attorney Bruno if he knew which applicant that was? Attorney Bruno advised the minutes were from March 2018. Chairman Faulkner advised he wanted to know what were the circumstances behind the fifty percent (50%), so we can look it up.

Ms. Combs stated, to clarify with Attorney Dorritie, you are stating that for us to consider whether it is worth it for us to reconsider, there has to be a substantial change in the area, but what you are saying is for us to consider whether the change for this secondary application and whether there is a substantial change from the previous application that they would like us to consider. Attorney Dorritie, advised yes.

Ms. Combs advised Attorney Bruno, yes you put your fifteen feet (15') two inches (2") or less, but to clarify, you are really saying fifteen feet (15') is cost prohibitive and you are asking for thirteen feet (13').

Attorney Bruno advised Ms. Silvers was discussing what our costs are and one of the things she said was we need to go back and do our homework on our costs, so I went back and did some more homework on what our costs are, that was presented to you there in a detailed analysis. I can't tell you what it is going to cost to put roads in, we are using average numbers and Andy from his expertise who is in this field, but I can tell you the cost per yard for concrete, the size that the pads have to be and tell you how many yards for each one. I can tell you how much the trailers cost delivered with skirting, tie downs, other things they need, porches, etc. I have all that information and more detail for one of those size units I put in there, I put in double wide because that was one of the requests we looked at. I added all those into this application so we can see what the financial ramifications are of the various options.

Ms. Combs explained, the previous application was for thirteen feet (13') and some change, this application says fifteen feet (15') two inches (2") or less, and you yourself said that fifteen feet (15') is cost prohibitive; you are asking for the same request.

Mr. Carter advised, without a variance, the developer could put trailers there. They have two (2) years to pull out the trailers that have been there and put in a trailer park exactly the way it was as per Code just by denying reconfiguring of the trailer court, with less units.

Ms. Combs advised, all brought up to Code except the back part, couldn't go out there. Ms. Silvers advised, unless there have been substantial changes.

Attorney Dorritie explained if there are substantial changes the Board can deny reapplication. Ms. Combs explained under point ramifications, it seems really asking for the exact same thing, by their own statement, fifteen feet (15') is cost prohibitive; they are asking for thirteen feet (13'). Ms. Silvers advised she would rather have new language, have to approve new language. Ms. Combs advised they should have said thirteen feet (13') two inches (2") when they came in for the hearing.

Attorney Dorritie asked Mr. Harding about going before the Planning Board? Mr. Harding advised tabled to Planning Board because variance was not accepted, we have had to go to twenty four foot (24') to twenty foot (20') layout, tabled it with Planning Board. Attorney Dorritie explained even if ZBA approved, this would still need to go to the Town Board to review.

Ms. Silvers advised non-conforming use can't be extended to part of the park not used. Attorney Bruno advised they look at this as same two (2) sections. Ms. Silvers explained non-conforming structures in that part never had structures on it.

Mr. Harding advised there are two (2) options, this can go to in compliance, set back parking, only this doesn't meet the size, prefer to rebuild in this community, it would twenty four (24) trailers back in there, this is eight (8) more units. Ms. Silvers asked why didn't they do this?

Attorney Bruno advised this is an investment, it's a business and they want to make money. Modifications is best for the Town, analyze what Code is, this is far better than what it is now.

Ms. Combs asked what's the cost?. Mr. Harding advised a less than \$50,000 per lot, everything in there now, looking at number of units, staying with this still, it can be developed.

Mr. Crater asked, do we make a motion to schedule a public hearing? Attorney Dorritie, the Board can recommend a public hearing, this is the first time we are hearing a different plan for the property. Attorney Bruno, one option is to move all trailers off and don't proceed with the park. Another option is to put the trailers back on pads. Mr. Crater advised this has always been a trailer park, but my concern is how long it drags out and it may never get finished, residents can't speak at the hearing tonight.

Mr. Crater advised, I make a motion to move forward with a public hearing for the new owner. Seconded by Mr. Wrigley. Chairman Faulkner asked Ms. Balok to call the roll. Secretary Balok called the roll:

Voting on a motion to move forward with a public hearing for the new owner:

Ms. Combs-No; Mr. Crater-Yes, Ms. Silvers-No; Mr. Wrigley-Yes, Chairman Faulkner-No

Denied

Informational Hearing for Andrew Harding, o/b/o Cherry Lane Park, LLC

Adjourned: 7:56 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 to Andrew Harding, o/b/o Cherry Lane Park, LLC, 111 E 14th St, Elmira Heights, NY 14903

Bonnie Balok, Secretary
Zoning Board of Appeals
January 19, 2024

**MINUTES APPROVED
BY BOARD OF APPEALS**

FEBRUARY 21, 2024
(Minutes Pages 1-9)

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

**RESOLUTIONS
2024**

**RESOLUTIONS APPROVED
BY BOARD OF APPEALS
FEBRUARY 21, 2024
*(Resolutions Page 1 of 2)***

Resolution No. 1

Appointment of Justin Faulkner, Chairman of the Zoning Board of Appeals, Town of Southport for the year 2024.

Resolution by: Silvers

Seconded by: Combs

Whereas, the Zoning Board of Appeals held an organizational meeting to elect a chairman for the year 2024, and Whereas, Ms. Silvers made a motion to nominate Justin Faulkner as Chairman, and Ms. Combs econded the motion. Resolved, Justin Faulkner will serve as Chairman of the Zoning Board of Appeals, Town of Southport for the year 2024.

Ayes: Combs, Crater, Silvers, Wrigley Abstained: Faulkner Nays: None Carried.

Resolution No. 2

Appointment of Susan Silvers, Vice-Chairman Zoning Board of Appeals, Town of Southport for the year 2024.

Resolution by: Combs

Seconded by: Crater

Whereas the Zoning Board of Appeals held an organizational meeting to elect a vice- chairman for the year 2024 and Whereas, Ms. Combs made a motion to nominate Susan Silvers, and Mr. Crater seconded the motion. Resolved, Susan Silvers will serve as Vice-Chairman, Zoning Board of Appeals, Town of Southport for the year 2024.

Ayes: Combs, Crater, Faulkner Wrigley Abstained: Silvers Nays: None Carried

Resolution No. 3

Appointment of Bonnie Balok, Secretary, Zoning Board of Appeals, Town of Southport for the year 2024.

Resolution by: Faulkner

Seconded by: Silvers

Whereas the Zoning Board of Appeals held an organizational meeting to elect a secretary for the year 2024, and Whereas, Mr. Faulkner made a motion to nominate Bonnie Balok, and Ms. Silvers seconded the motion. Resolved, Bonnie Balok will serve as Secretary, Zoning Board of Appeals, Town of Southport for the year 2024.

Ayes: Combs, Crater, Faulkner, Silvers, Wrigley Nays: None Carried:

Resolution No. 4

Meeting Day for the Zoning Board of Appeals, Town of Southport shall be the third Wednesday of each month.

Resolution by: Silvers

Seconded by: Crater

Whereas the Zoning Board of Appeals held an organizational meeting to select a meeting day for the year 2024, and Whereas, Ms. Silvers made a motion to set the meeting day as the third Wednesday of each month, and Mr. Crater seconded the motion. Resolved, the third Wednesday of each month shall be the meeting day for the Zoning Board of Appeals for the year 2024.

Ayes: Combs, Crater, Faulkner, Silvers, Wrigley Nays: None Carried:

Resolution No. 5

Meeting Time for the Zoning Board of Appeals, Town of Southport shall be 7:00 p.m.

Resolution by: Silvers

Seconded by: Crater

Whereas the Zoning Board of Appeals held an organizational meeting to select a meeting time for the year 2024, and Whereas, Mr.Faulkner made a motion to set the meeting time as 7:00 pm each month, and Ms. Silvers seconded the motion. Resolved, 7:00 p.m. shall be the meeting time for the Zoning Board of Appeals for the year 2024.

Ayes: Combs, Crater, Faulkner, Silvers, Wrigley Nays: None Carried:

Resolution No. 6

**MOVE FORWARD WITH A PUBLIC HEARING FOR THE NEW OWNER
AS DETAILED BELOW**

DENIED

**RESOLUTIONS APPROVED
BY BOARD OF APPEALS
FEBRUARY 21, 2024
(Resolutions Page 2 of 2)**

PROPERTY: TAX MAP NO. 109.08-1-65, 84, 85, 87 ZONED: R3
COMMONLY KNOWN AS
1170 SHERMAN AVENUE,
1165, 1169, 1171 CADET TERRACE ELMIRA, NY 14904

APPLICANT: ANDREW HARDING, O/B/O, CHERRY LANE PARK, LLC
111 EAST 14TH STREET ELMIRA HEIGHTS, NY 14903

OWNER: CHERRY LANE PARK, LLC
CONTACT LISTED: RON FISH
707 WEST CHESTER AVENUE, WHITE PLAINS, NY 10604
P: 518-464-0640 E: ronfish107@aol.com

RESOLUTION: CRATER SECONDED: WRIGLEY

WHEREAS, Andrew Harding, o/b/o CLF Enterprises, 111 East 14th Street, Elmira Heights, NY 14903, applied for an area variance for the minimum exterior structure width of twenty feet (20’), seeking an area variance to reduce that to fifteen feet (15’) two inches (2’) or less. The twenty foot (20’) requirement for a mobile home park limits the units that would be available and increases the cost of the homes. To comply with a majority of the zoning requirements, they will be reducing the lot to fifteen (15) homes based on this minimum unit size. If required to comply with the minimum width of twenty feet (20’) it would further reduce the lot to fourteen (14) homes based on a minimum width of available units at twenty six feet (26’). The owner intends to market these homes for sale and the cost for the double wide units would exceed the median home price in this area. Also, seeking a ruling on the variance request is not a substantial request. The new owner contends the twenty feet (20’) requirement is a recent change in the zoning law and it does create a hardship for the owner that has not been self-created.

The development of a mobile home park on property listed as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904 in a R3 zone. As per Town Code Section 352-12 (l), Town of Southport, County of Chemung regulations in R3 at 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904 in a R3 zone property regulations addresses barracks-like in nature and a minimum exterior structure width of twenty feet (20’). . The property is located in a R3 zone and is commonly known as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904, Tax Parcel 109.08-1-65, 84, 85, 87, and

WHEREAS, the Town of Southport Zoning Board of Appeals held an informational hearing on January 17, 2024 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, to consider the granting of the area variance concerning the mobile home park design, minimum exterior structure width and a request to consider the project not substantial, and

WHEREAS, based upon deliberation, consideration and discussion, the members of the Zoning Board of Appeals were of the opinion the request listed above, the motion to move forward with a public hearing for the new owners be denied, and

NOW THEREFORE BE IT RESOLVED the area variance concerning the design of the park, the request listed above, and the motion to move forward with a public hearing be denied, and the building inspector is not authorized to issue a permit for said use of the property commonly known as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904, Tax Parcel 109.08-1-65, 84, 85, 87.

Motion-to Move Forward with a Public Hearing for New Owner - ZBA Voted as Follows:

No: Ms. Combs, Ms. Silvers, Mr. Faulkner Yes: Mr. Crater, Mr. Wrigley

Denied
Carried.
January 17, 2024