



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue  
Elmira, NY 14904

**MINUTES APPROVED  
BY BOARD OF APPEALS  
APRIL 29, 2024**

## BOARD OF APPEALS

### MINUTES

WEDNESDAY, MARCH 20, 2024

### INFORMATIONAL HEARING

#### MATTHEW DAVIS

AREA VARIANCE-CHICKENS-UNDERSIZED LOT,  
ZONE: R-1

1607 PENNSYLVANIA AVENUE, PINE CITY, NY 14871

*(continued from September 20, 2023)*

### INFORMATIONAL HEARING

#### CHRISTIAN BRUNELLE, O/B/O, SONBYRNE SALES, INC.

171 ROUTE 5, WEEDSPORT, NY 13166

*(SOUTHPORT BRYNE DAIRY PROJECT)*

AREA VARIANCE-MAXIMUM LOT COVERAGE PERCENTAGE IN  
THE COMMERCIAL REGIONAL ZONE,

ZONE: CR

1151 BROADWAY, ELMIRA, NY 14904

**7:00 PM**

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

Minutes of the Zoning Board of Appeals, Town of Southport, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on March 20, 2024 at 7:00 p.m.

Board Members Present: Justin Faulkner  
Belinda Combs  
Shawn Crater  
Susan Silvers  
Ken Wrigley  
Kent Collier, Alternate

*(Correction: Kent not Ken)*

Others Present: Matthew Eldred, Esquire *(o/b/o Megan Dorritie, Town Attorney)*  
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 the Minutes of February 21, 2024**

Chairman Faulkner advised the next item on the agenda is the approval of the minutes of February 21, 2024. Ms. Silvers noted one correction was needed; Leslie Connolly's name should be omitted and replaced with Megan Dorritie's name. Motion made by Ms. Silvers to accept the minutes, with the noted correction; seconded by Mr. Wrigley. The minutes of February 21, 2024 were unanimously approved.

**3. New Business**

Discussion concerning the ZBA April meeting resulted in a meeting date change. Chairman Faulkner made a motion to hold the ZBA April meeting on Monday, April 29, 2024 at 7:00 pm; seconded by Ms. Silvers.

Chairman Faulkner advised the next item on the agenda is an informational hearing for Matthew Davis, 1607 Pennsylvania Avenue, Pine City, NY. Mr. Davis is requesting an area 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.

Not Present: Applicant Matthew Davis. *(Note for the Record: Mr. Davis not present at February 21 & March 20 Meetings)*

In the absence of Mr. Davis, Ms. Silvers made a motion to table the application and informational hearing until hearing from Mr. Davis; seconded by Mr. Faulkner.

Unanimous approval to table the application and informational hearing for Mr. Davis until hearing from Mr. Davis.

Informational Hearing for Mr. Davis adjourned: 7:03 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 Matthew Davis, 1607 Pennsylvania Avenue, Pine City, NY 14871

Bonnie Balok, Secretary  
Zoning Board of Appeals  
March 21, 2024

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**3. New Business** (*continued*)

Chairman Faulkner advised the next item on the agenda is an informational hearing for Christian Brunelle, o/b/o, Sonbyrne Sales, Inc., 171 Route 5, Weedsport, NY 13166, (*Southport Byrne Dairy Project*); Area variance for maximum lot coverage percentage in the commercial regional zone, Section 525-24, 1151 Broadway, Elmira, NY, 14904, Tax Map #: 109.10-2-21, Zoned: CR

Present: Mr. Brunelle, Senior Executive Vice President, Sonbyrne Sales, Inc. | Byrne Dairy & Deli Retail Stores

Mr. Brunelle advised everyone is probably familiar with the site, right across the street, the former Pizza Hut location. It is zoned commercial regional. Mr. Brunelle provided a map illustrating the proposed Southport Byrne Dairy Project and advised the company is asking for an area variance for maximum lot coverage. Mr. Brunelle detailed the required seventy percent (70%), building lot structure, proposed eighty six percent (86%) and relief requested sixteen percent (16%); the site plan summary has 0.77 acres, two hundred sixty foot (260') frontage on Broadway and one hundred ninety six foot (196') frontage on Pennsylvania Avenue. The proposed store would be exactly like the building in Elmira; four thousand two hundred thirty two square feet (4,232') with a fuel canopy seventy two (72) by thirty four (34); underground gas, six (6) fueling stations (*5,000 gallons diesel and 5,000 gallons gasoline*). The lot coverage is the only variance needed. There are sidewalks on Pennsylvania Avenue; no sidewalks on Broadway, there will be Dark Sky lighting, one hundred percent (100%) LED lighting. On the map provided, the light green section illustrated nine percent (9%) lot coverage (*a/k/a green space*), additional green space will be added, only grass located behind dumpster, one hundred percent (100%) asphalt, right of way line area. County controls roads on Broadway and Pennsylvania Avenue. Currently there is an asphalt sidewalk to the road, proposing grass in right of way (*proposed 14%*). Reducing the amount of asphalt on property. Contacted DPW and the initial response was good. County Planning Board will be meeting next week. Reducing curb cuts to one; nine percent (9%) is there now, proposal is fourteen percent (14%) for green space. If add on other side (*not owned*) would be twenty five percent (25%) (*Byrne Dairy owned combined with State owned*) Drainage was discussed on the next map and Mr. Brunelle explained the site is under one (1) acre, storm water pollution plan, no drainage on site, all goes to the road, but will be putting in dry wells.

Attorney Eldred asked if the four thousand two hundred square foot (4,200') of the building was without the porch. Mr. Brunelle confirmed the size of the current building is three thousand four hundred square feet (3,400').

Mr. Brunelle advised an area variance requires five (5) questions be answered and he provided those questions and answers at hearing in a written and verbal presentation. (*See: Attached to Original Minutes "Southport Byrne Dairy Area Variance Questions, dated 3/20/24, signed by Christian Brunelle*).

Mr. Brunelle advised in 2019 the ZBA granted five (5) variances for a similar project, with very little if any green space, in proximity across the street; two (2) area variances to Dunkin Donuts and one (1) use variance to Dunkin Donuts. The ZBA set a precedent. Traffic study is being done now. Aces of Eights was not requested to do a traffic study.

Attorney Eldred asked why the initial design plan didn't include this? Mr. Brunelle advised the company was working off an older survey, less than thirty percent (30%); the Chemung DOT didn't have maps, the Hornell DOT didn't have maps and the maps were finally secured from the NYS Albany DOT and they shaved it down as much as they could.

Mr. Brunelle explained the building will be identical to the Elmira store, (*Elmira has four (4) pumps and eight (8) fueling positions*), and here there would be three (3) pumps, six (6) fueling positions.

Public hearing will be scheduled for Monday, April 29, 2024, 7:00 pm, Southport Town Hall. Secretary Balok will forward instruction, the required legal notice and newspaper payment information to Mr. Brunelle.

Informational Hearing Adjourned: 7:28 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 Christian Brunelle, o/b/o, Sonbyrne Sales, Inc.  
171 Route 5, Weedsport, NY 13166 (E: [Christian.Brunelle@byrnedairy.com](mailto:Christian.Brunelle@byrnedairy.com))

**4. Old Business**

No old business

**5. Discussion**

No further discussion

**6. Adjournment**

Motion to adjourn: Ms. Silvers

Seconded: Mr. Crater

Adjourned: 7:31 pm

Bonnie Balok, Secretary  
Zoning Board of Appeals  
March 21, 2024

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