



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

**DRAFT MINUTES
TO BE APPROVED
BY BOARD OF APPEALS**

BOARD OF APPEALS

MINUTES JULY 17, 2024

PUBLIC HEARINGS (2)

STEPHEN VEDDER

808 BROADWAY, ELMIRA, NY 14904

AREA VARIANCE-525-24-BULK & DENSITY CONTROL SCHEDULE, FRONT YARD SETBACK TO BUILD A COVERED FRONT PORCH WITHIN FRONT YARD SETBACK. ZONE: AR
2441 SOUTH BROADWAY, WELLSBURG, NY 14894

JOSEPH STRONG

1169 PLYMOUTH AVENUE, ELMIRA, NY 14904

AREA VARIANCE 525-24-BULK & DENSITY CONTROL SCHEDULE-BUILD A FRONT PORCH WITHIN FRONT YARD SEBACK.
1169 PLYMOUTH AVENUE, ELMIRA, NY 14904 ZONE: R3

Minutes of the Zoning Board of Appeals, Town of Southport, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on July 17, 2024 at 7:00 p.m.

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

Board Member Absent: Belinda Combs

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

Others Absent: Megan Dorritie, Town Attorney

1. Call to Order

Chairman Faulkner called the meeting to order at 7:00 pm. Secretary Balok called the roll.

2. Approval of the Minutes of June 24, 2024

Chairman Faulkner advised the next item on the agenda is the approval of the minutes of June 24, 2024. Mr. Crater made a motion to accept minutes; seconded by Ms. Silvers.

Chairman Faulkner abstained. Minutes of June 24, 2024 were unanimously approved.

3. New Business

Chairman Faulkner advised the next item on the agenda is a public hearing for Stephen Vedder, 808 Broadway, Elmira, NY 14904. Mr. Vedder is requesting an area variance to build a covered front porch within front yard setback, as per Section 525-24-Bulk and Density Control Schedule in an AR zone, Tax Map #: 119.00-1-4; Zoned: AR.

Present: Mr. Stephen Vedder.

3. New Business *(continued)*

Mr. Vedder explained he wanted to build a covered porch that will be more esthetic, protect the front door and provide living space. There are no environmental issues, not opposed by the neighbors, and he did not create the problem. Mr. Vedder provided documents illustrating how the house will look, three (3) colored prints, photos of setback north and south. Mr. Vedder also explained he tied a string on the eastside of the north and south monument, so not to distort measurements, measured the foundation of house nine and one-half feet (9 ½’) from the State setback comes in different. Mr. Vedder also advised the front of the property is steep and he can’t mow that area. *(Note: Mr. Vedder’s Legal Ad Receipt sent from “Star-Gazette” to ZBA)*

Mr. Rocchi explained within two hundred feet (200’) and neighbors are about where he is. The front is eight feet (8’) above house and porch elevated above the road and steep front end.

Mr. Faulkner advised Mr. Vedder has submitted signatures from neighbors showing support of the project. Chairman Faulkner explained the Board will now ask the applicant to answer the five (5) area variance questions.

The applicant, Mr. Vedder, 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. Vedder: No*

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. Vedder: No*

Q3. Whether the requested area variance is substantial?

A. *Mr. Vedder: Yes*

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. Vedder: 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. Vedder: No*

Chairman Faulkner opened the hearing to the public for comments. No comments from those in attendance and no in-coming phone call comments. Chairman Faulkner closed the public hearing portion of the meeting.

Chairman Faulkner explained the Board will now give their answers to the five (5) 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. *Unanimous No 5*

3. New Business (continued)

Board’s answers to the five (5) area variance questions (continued from page 2):

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. Unanimous No 5

Q3. Whether the requested area variance is substantial?

A. Unanimous Yes 5

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. Unanimous No 5

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. Unanimous No 5

Chairman Faulkner advised the Board will review the SEQR form number 3. It was noted on the form, Mr. Vedder listed one (1) acre. This should be corrected to list .693 acres. The requested porch is a permitted use within the zoning regulations and consistent with the neighborhood and natural landscape. The form was completed – Type Two Negative Consent. Motion by Chairman Faulkner to accept the type two negative consent designation on the SEQR. Seconded by Mr. Crater.

Chairman Faulkner asked if there were any questions, and if not would someone make a motion?

Mr. Crater made a motion to vote on the variance for Mr. Vedder’s request for an area **variance 525-24-Bulk & Density Control Schedule** to build a covered front porch within front yard setback at 2441 South Broadway, Wellsburg NY 14894, with a no vote denying the variance and a yes vote granting the variance. Ms. Silvers seconded the motion.

Secretary Balok called the roll: Yes-Mr. Crater; Yes-Ms. Silvers; Yes-Mr. Wrigley; Yes-Mr. Collier; Yes-Chairman Faulkner. Unanimous vote yes Variance approved.

Public Hearing for Mr. Vedder adjourned: 7:18 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 Stephen Vedder, 808 Broadway, Elmira, NY 14904

3. New Business (continued)

Chairman Faulkner advised the next item on the agenda is a public hearing for Joseph Strong, 1169 Plymouth Avenue, Elmira, NY 14904; regarding 1169 Plymouth Avenue, Elmira, NY 14904, requesting an Area Variance 525-24-Bulk and Density Control Schedule-to build a front porch within front yard setback. Tax Map #109.08-2-62, Zone: R3

Present: Mr. and Mrs. Joseph Strong.

Mr. Strong explained he would like to build a twelve foot (12’) by thirty foot (30’) porch on his home, thirty (30) trusses, open rail porch. Mr. Strong advised it is three hundred feet (300’) to the next home, won’t obstruct any views from traffic. *Mr. Strong provided a drawing and a copy of the receipt for the legal ad published in the “Star-Gazette”.*

Mr. Rocchi explained this is twenty eight feet (28’) to the roadway, forty feet (40’) from roadway about the same as adjacent properties within a foot of each other.

Chairman Faulkner explained the Board will now ask the applicant to answer the five (5) area variance questions.

The applicant, Mr. Strong, 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. Strong:* No

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. Strong:* No

Q3. Whether the requested area variance is substantial?

A. *Mr. Strong:* Yes

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. Strong:* 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. Strong:* No

Chairman Faulkner opened the hearing to the public for comments. No comments from those in attendance and no in-coming phone call comments. Chairman Faulkner closed the public hearing portion of the meeting.

Chairman Faulkner explained the Board will now give their answers to the five (5) 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. *Unanimous* No 5

Joseph Strong, 1169 Plymouth Avenue, Elmira, NY 14904

Re: 1169 Plymouth Avenue, Elmira, NY 14904

Area Variance 525-24-Bulk & Density

Zone: R3

3. New Business (continued)

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. Unanimous No 5

Q3. Whether the requested area variance is substantial?

A. Unanimous No 5

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. Unanimous No 5

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. Unanimous No 5

Chairman Faulkner advised the Board will review the SEQR form number 3. It was noted this is less than one (1) acre; acres equal 0.3 The request is a permitted use Type Two action, consistent with the neighborhood, permits a construction because it is a porch. The form was completed – Type Two Negative Consent. Motion by Ms. Silvers to accept the type two negative consent designation on the SEQR. Seconded by Mr. Collier.

Chairman Faulkner asked if there were any questions, and if not would someone make a motion?

Mr. Crater made a motion to vote on the variance for Mr. Strong’s request for an area variance 525-24-Bulk & Density Control Schedule to build a covered front porch within front yard setback at 1169 Plymouth Avenue, Elmira, NY 14904, with a no vote denying the variance and a yes vote granting the variance. Mr. Collier seconded the motion.

Secretary Balok called the roll: Yes-Mr. Crater; Yes-Ms. Silvers; Yes-Mr. Wrigley; Yes-Mr. Collier; Yes-Chairman Faulkner. Unanimous vote yes Variance approved.

Public Hearing for Mr. Strong adjourned: 7:39 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 Joseph Strong, 1169 Plymouth Avenue, Elmira, NY 14904

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

**DRAFT MINUTES
TO BE APPROVED
BY BOARD OF APPEALS**

4. Old Business

No old business

5. Discussion

No further discussion

6. Adjournment

Motion to adjourn: Chairman Faulkner

Seconded: Mr. Crater

Adjourned: 7:40 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 Stephen Vedder, 808 Broadway, Elmira, NY 14904
Minutes to Joseph Strong, 1169 Plymouth Avenue, Elmira, NY 14904

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

**DRAFT MINUTES
TO BE APPROVED
BY BOARD OF APPEALS**

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

**RESOLUTIONS
2024**

Resolution No. 10

AREA VARIANCE GRANTED

PROPERTY:	TAX MAP NO. 119.00-1-41 COMMONLY KNOWN AS 2441 SOUTH BROADWAY	ZONED: AR WELLSBURG, NY 14894
APPLICANT:	STEPHEN VEDDER 808 BROADWAY	ELMIRA, NY 14904
OWNER:	STEPHEN VEDDER 808 BROADWAY	ELMIRA, NY 14904
RESOLUTION:	CRATER	SECONDED: SILVERS

WHEREAS, Stephen Vedder, 808 Broadway, Elmira, NY 14904, applied for an area variance to build a covered front porch within the front yard setback, Section 525-24-Bulk and Density Control Schedule, at 2441 South Broadway, Wellsburg, NY 14894, in an AR Zone, as per Town Code, Town of Southport, County of Chemung. The property is located in an AR zone and is commonly known as 2441 South Broadway, Wellsburg, NY 14894, Tax Parcel, 119.00-1-41, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a hearing on July 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, with no one providing verbal comments concerning the project at the hearing; (*List of neighbors in support of the project submitted by the applicant*), and

WHEREAS, based upon deliberation, consideration and discussion, the members of the Zoning Board of Appeals were of the opinion the area variance could be granted to allow for a covered front porch within the front yard setback in the AR Zone, at 2441 South Broadway, Wellsburg, NY 14894, and

NOW THEREFORE BE IT RESOLVED the area variance is granted to Stephen Vedder for property located at 2441 South Broadway, Wellsburg, NY, Tax Map 119.00-1-41 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 area variance will render the variance null and void.

Yes-Grant Variance:	Crater, Collier, Silvers; Wrigley; Faulkner
No-Deny Variance	None
Carried.	
July 17, 2024	

**DRAFT RESOLUTION
TO BE APPROVED BY THE
ZONING BOARD OF APPEALS**

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

**RESOLUTIONS
2024**

Resolution No. 11

AREA VARIANCE GRANTED

PROPERTY:	TAX MAP NO. 109.08-2-62 COMMONLY KNOWN AS 1169 PLYMOUTH AVENUE	ZONED: R3 ELMIRA NY 14904
APPLICANT:	JOSEPH STRONG 1169 PLYMOUTH AVENUE	ELMIRA, NY 14904
OWNER:	JOSEPH STRONG 1169 PLYMOUTH AVENUE	ELMIRA, NY 14904
RESOLUTION:	CRATER	SECONDED: COLLIER

WHEREAS, Joseph Strong, 1169 Plymouth Avenue, Elmira, NY 14904, applied for an area variance to build a front porch within the front yard setback, Section 525-24-Bulk and Density Control Schedule, at 1169 Plymouth Avenue, Elmira, NY 14904, in an R3 Zone, as per Town Code, Town of Southport, County of Chemung. The property is located in an R3 zone and is commonly known as 1169 Plymouth Avenue, Elmira, NY 14904, Tax Parcel, 109.08-2-62, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a hearing on July 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, with no one providing comments concerning the project, and

WHEREAS, based upon deliberation, consideration and discussion, the members of the Zoning Board of Appeals were of the opinion the area variance could be granted to allow for a front porch within the front yard setback in the R3 Zone, at 1169 Plymouth Avenue, Elmira, NY 14904, and

NOW THEREFORE BE IT RESOLVED the area variance is granted to Joseph Strong for property located at 1169 Plymouth Avenue, Elmira, NY 14904, Tax Map 109.08-2-62 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 area variance will render the variance null and void.

Yes-Grant Variance:	Crater, Collier, Silvers; Wrigley; Faulkner
No-Deny Variance	None
Carried.	
July 17, 2024	

**DRAFT RESOLUTION
TO BE APPROVED BY THE
ZONING BOARD OF APPEALS**