



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

*Minutes Approved by Board of Appeals
February 15, 2017*

BOARD OF APPEALS MINUTES-INFORMATIONAL HEARING (Continuation of October 19, 2016) WEDNESDAY, DECEMBER 21, 2016

Minutes of the Informational Hearing for John Bower, 172 Old Ithaca Road, Horseheads, New York, 14845, regarding 1801-Pennsylvania Avenue, Pine City, New York, Tax Map 127.00-1-24, zoned AR, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on December 21, 2016 (a continuation of October 19, 2016) at 7:00 p.m. concerning an area variance to divide the parcel into two (2) lots which is less than the required one hundred fifty foot (150') lot width per Section 525-24-Bulk and Density Control Schedule.

Board Members Present: James Gensel, Chairman
Daniel Williams, Vice Chairman
John Arikian
Deborah Eames
Justin Faulkner

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

Others Absent: Steven Barnstead, Town Attorney
Susan Silvers, Alternate Member

Items 1 and 2 - Call to Order and Accepting of Minutes

The meeting was called to order by Chairman Gensel. The first item on the Agenda was the Minutes of October 19, 2016. Mr. Arikian made a motion to approve the October 19, 2016 minutes; Mr. Williams seconded the motion. Meeting minutes of October 19, 2016 were unanimously approved.

Item 3 – Establishment of Meeting Day and Meeting Time for 2017

The Board discussed the meeting day and time for 2017. Mr. Williams made a motion to keep the third Wednesday of each month as the meeting day and 7:00 pm as the meeting time. Ms. Eames seconded the motion. Meeting day and time for 2017 was unanimously approved.

Item 4 - New Business—Informational Hearing (continuation of 10/19/16) Applicant Present: John Bower

Chairman Gensel advised the next item on the agenda is a continuation of the October 19, 2016 informational hearing for John Bower, 172 Old Ithaca Road, Horseheads, New York 14845 concerning 1801 Pennsylvania Avenue, Pine City, New York 14871, Tax Map 127.00-1-24 regarding a request for an area variance to divide the parcel into two (2) lots which is less than the required one hundred fifty foot (150') lot width per Section 525-24-Bulk and Density Control Schedule. The property is zoned AR.

Mr. Bower advised the soil test was completed by the Chemung County Health Department and determined to be okay; specifically, twenty thousand square feet (20,000') has been approved. Further, Mr. Bower advised he is okay with three (3) acres; twenty thousand square feet (20,000') would be at the base of the hill. Mr. Bower explained the lot width is one hundred four feet (104') and could go a little wider, probably taking another five feet (5') if he had to; two hundred feet (200') to base of the hill. Mr. Bower further explained he had not gone any further with a survey until he knew what the Board of Appeals decided. Mr. Bower had proposed three (3) acres and the Health Department said twenty thousand square feet (20,000'); he would go with whatever the Board approved. An enlarged map was provided to the Board by Mr. Bower and the discussion continued concerning the site(s) in question, as Mr. Bower would like to split the lot and sell 1799 Pennsylvania Avenue to the individual who has been renting the site since 2008.

Item 4 - New Business-(continued) Informational Hearing (continuation of 10/19/16) Applicant Present: John Bower

Chairman Gensel discussed the perk rate and advised it is rather good, slower eight to nine minutes (8-9 minutes) per hour, six inches (6”) an hour, did take reduction for gravel less chamber, looking at one hundred fifty feet (150’) of trench. Chairman Gensel questioned the size of the lot and the property line not being perpendicular to the road. Chairman Gensel explained from the septic point of view it would be okay with the twenty thousand square feet (20,000’) minimum.

Mr. Williams noted the easement shown on the map could be a problem and the Board continued discussion concerning the permanent easement on the property. Due to the fact the easement could prohibit putting a septic system in, if the current system failed, the Board reviewed options available to the prospective buyer, options that would be appropriate for the Board of Appeals to approve, and legal responsibilities

After considerable discussion, concerning the easement, septic, dry wells, cross easement for the septic system, the Board recommended the following action be taken by Mr. Bower”

1. Talk with surveyor and see if surveyor has easement’s exact wording.
2. Determine if easement contains wording that allows a utility to cross the easement.
3. Determine who holds the easement, NYS DOT or NYS DEC or other.
4. Obtain permission from the easement owner that the easement can be crossed.

Based upon Mr. Bower’s ability to obtain the above listed detail, a public hearing is hereby scheduled for January 18, 2017 at 7:00 p.m. The appropriate documents will be mailed to Mr. Bower to go forward with a public hearing which includes a legal notice in the “Star-Gazette” to be paid by Mr. Bower and a sign posted on site providing notification to residents of an up-coming public hearing.

Item No. 5 – Old Business

No old business.

Item No. 6 – Discussion

No further discussion.

Item No. 7 – Adjournment

Mr. Williams made a motion to adjourn; seconded by Ms. Eames. Adjournment unanimously approved.

Adjourned: 8:10 pm

Original on File:	Town Clerk
C:	Board of Appeals
	Town Board
	Planning Board
	Town Supervisor
	Town Clerk
	Town Attorney
	Town Assessor
	Town Code Enforcement Officer
	Applicant John Bower

Prepared by:
Bonnie Balok, Secretary-Board of Appeals
December 22, 2016

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