



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue  
Elmira, NY 14904

*Minutes  
Approved by Board of Appeals  
6/21/2017*

## ZONING BOARD OF APPEALS

INFORMATIONAL HEARING  
BRENDAN BYSTRAK OF LABELLA ASSOCIATES,  
O/B/O NYSEG

WEDNESDAY, MAY 17, 2017  
7:00 PM

### Item No. 1 - Call to Order

#### **Attendance**

Board Members Present: James Gensel, Chairman  
Daniel Williams, Vice Chairman  
Deborah Eames  
Justin Faulkner  
Susan Silvers, Alternate Member

Board Member Absent: John Arikian

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

### Item No. 2 - Approval of Minutes of April 19, 2017

Mr. Williams made a motion to approve the minutes of April 19, 2017; seconded by Ms. Silvers. The minutes of April 19, 2017 were approved.

### Item No. 3 - New Business

Chairman Gensel provided an update on Todd Curren's application, concerning 1365 Pennsylvania Avenue, Pine City, NY; to be heard by the Planning Board and will come before the ZBA next month.

Chairman Gensel advised tonight an informational hearing is being held for Brenden Bystrak of LaBella Associates, 300 State Street, Rochester, NY, o/b/o NYSEG. The property is located at 848 Mt. Zoar Road, Elmira, NY and the request concerns an area variance to allow fencing around equipment to be eight foot (8') above grade.

Attorney Mauro advised Mr. Bystrak has already been in front of the Planning Board/ The Board has scheduled a special meeting; a public hearing on this application will be held on June 2, 2017.

Mr. Bystrak explained the proposal to raise the entire station; all six (6) buildings will be taken down and two (2) new buildings will be installed with utilities underground, the property does not have frontage, zoning allows a seven foot (7') fence, existing fence is six feet (6') plus barbed wire which totals seven feet (7'); asking for eight foot (8') fence. Reference was made to the Exhibit provided, titled: "Upgrades to Bradley Farms Station, Mt. Zoar Street, Town of Southport", dated April 18, 2017, and more specifically with respect to Section 3-Photos of Existing Station, advising the station was built in the 1950's with further reference to Paragraphs 3, 4, 11 and 12, as well as photos 5, 6, 7 being examples of recent stations including black vinyl fencing.

Item No. 3 - New Business (continued)

Mr. Bystrak further explained Corning Natural Gas is the owner, there is a mercury contamination they are working on with the DEC, and the site plan approval is contingent on the variance approval. Mr. David Bovee, from NYSEG, advised the company is meeting required safety regulations.

A discussion took place concerning a possible conflict of interest for Chairman Gensel. Attorney Mauro advised, based upon the fact, there is no personal interest, no engineering firm interest, there would be no problem.

Chairman Gensel explained the public hearing procedures and advised a public hearing would be scheduled for June 21, 2017 at 7:00 pm or as soon thereafter as it can be heard.

Item No. 4 - Old Business

Chairman Gensel advised Mr. Curren is going through his process to come before the ZBA on June 21, 2017. Chairman Gensel also suggested thought should be given to removing the diagram currently in the Board of Appeals application. A brief discussion took place as to whether or not this should pertain to residential and/or commercial applications.

Item No. 5 - Discussion

No further discussion.

Item No. 6 – Adjournment

Mr. Williams made a motion to adjourn; seconded by Ms. Eames. Adjournment unanimously approved.  
Meeting Adjourned: 7:35 pm

Original on File:

- C: Town Clerk
- Board of Appeals
- Town Board
- Planning Board
- Town Supervisor
- Town Clerk
- Town Attorney
- Town Assessor
- Town Code Enforcement Officer
- Applicant: Brendan Bystrak of LaBella Associates, o/b/o NYSEG

Bonnie Balok, Secretary-  
Zoning Board of Appeals,  
May 19, 2017

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