



## TOWN OF SOUTHPORT

1139 Pennsylvania Avenue  
Elmira, NY 14904

*Minutes Approved  
by Board of Appeals  
May 16, 2018*

**ZONING BOARD OF APPEALS**  
**WEDNESDAY, APRIL 19, 2018**  
**7:00 PM**

**INFORMATIONAL HEARING**  
**CHARLES HOUCK, II**  
**29 SUNSET ROAD, WELLSBURG, NY 14894**

Minutes of the Zoning Board of Appeals, Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on April 18, 2018 at 7:00 p.m.

Item No. 1 - Call to Order

**Attendance**

Board Members Present: James Gensel  
John Arikian  
Deborah Eames  
Justin Faulkner  
Susan Silvers

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

Chairman Gensel advised Mr. Williams has served on the Board for the maximum number of years allowable; term officially ended April 1, 2018. Ms. Silvers has been serving as the alternate Board member; now Ms. Silvers will become a permanent member of the ZBA and the Town will advertise for an alternate to serve on the ZBA.

Item No. 2 – Approval of Minutes of February 27, 2018 and March 21, 2018

Chairman Gensel advised the next item on the Agenda is the Minutes of February 27, 2018 and asked if there were any changes or corrections. Ms. Silvers made a motion to approve the minutes; seconded by Mr. Arikian. Minutes of February 27, 2018 were approved with Ms. Eames abstaining.

Chairman Gensel explained the next item on the Agenda is the Minutes of March 21, 2018 and asked if there were any changes or corrections. Ms. Eames made a motion to approve the minutes; seconded by Mr. Faulkner. Minutes of March 21, 2018 were approved with Ms. Silvers abstaining.

Item No. 3 – New Business

**Informational Hearing – Charles Houck, II**

Attendance: Applicant Charles Houck, II and Diana Cook

Chairman Gensel called the meeting to order and advised the informational hearing is being held for Charles Houck, 29 Sunset Road, Wellsburg, NY 14894, concerning an area variance at 29 Sunset Road, Wellsburg, NY 14894 to allow for a twelve foot (12’) by twenty four foot (24’) accessory structure to be erected within the front yard setback as per Section 525-26 (B) (3), Town Code, Town of Southport, County of Chemung. There are two front yards Sunset Road and Route 14. The property is located in an AR zone and is commonly known as 29 Sunset Road, Wellsburg, NY 14894, Tax Map 119.00-2-10,

Mr. Houck advised there is a setback of ten feet (10’) from the road which makes this seventy five feet (75’) and six feet (6’) from his house, as well as fifty five feet (55’) to the pavement. The building will help with storage of equipment. The property has a hill on the farthest corner of the house to the door, driveway is in common, but will not interfere with the neighbor’s drive. The structure will be forty foot (40’) in off the pavement, in the opposing direction of the house and he will be able to drive up to the house to bring things inside from the car. Further, he will be storing a riding tractor, two (2) motor cycles and the shed gable roof-loft will be used for storage of planters and the items currently in the front yard.

Chairman Gensel asked if the structure could fit between the adjacent building and the property line. Mr. Houck advised no, septic tank is there on the Walker side. The structure will have a roll up door on the highway side and a barn door on the back side.

Mr. Faulkner asked if the neighbor accesses his property through Mr. Houck’s property. Mr. Houck advised yes because they share the same driveway. The shed goes on the opposing side, thirty feet (30’) from the corner of the house, now have an eighteen foot (18’) structure and it is not even close to the right-of-way. Mr. Houck advised Sunset Road side is the front of his house and he uses Sunset for his driveway.

Mr. Arikian asked how much of a variance is being requested. Mr. Rocchi advised the requirement is based on the average setback, closest to the road; the properties do not have straight lines, twenty foot (20’) from neighbors, thirty foot (30’) setback. Neighboring shed is approximately thirty feet (30’) off right-of-way. Mr. Houck’s property is forty seven feet (47’) from the back of his house; therefore, needs about a ten foot (10’) variance. Right of way owned by DOT. Property owner owns land measured by property lines. Without a variance there is little slack in there. Public hearing scheduled for May 16, 2018 at 7:00 pm. *(If Mr. Houck is unable to attend, due to his work schedule, he will contact the Zoning Office).*

Item No. 3 – Old Business

Discussion took place concerning Upstate Tower Company. Attorney Mauro advised currently the company is disputing special counsel’s fees. The Town needs this money to hire environmental impact engineers. The company has sent a request for an extension of the shot clock, which basically means a decision – yes or no. We need time for our consultants to give an opinion. The appropriate time frame should be within sixty (60) days from the Town’s receipt of the complete package of information that the Planning Board and the ZBA requested.

Item No. 5 - Discussion

Discussion took place concerning election of a vice chairman for the ZBA. A vote on this matter will take place in one (1) month. Next ZBA meeting – May 16, 2018.

Item No. 6 – Adjournment

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

Meeting Adjourned: 7:42 pm

Bonnie Balok, Secretary-Zoning Board of Appeals, April 19, 2018

Original on File:

Town Clerk

C:

Board of Appeals, Town Board, Planning Board

Town Supervisor, Town Attorney, Town Assessor, Town Code Enforcement Officer

Charles Houck, II, 29 Sunset Road, Wellsburg, NY 14894

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