



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

*Minutes Approved
by Board of Appeals
August 15, 2018*

ZONING BOARD OF APPEALS

Wednesday, July 18, 2018

7:00 PM

INFORMATIONAL HEARING

Kevin Youngs

94 Peacefield Road, Pine City, NY 14871

EXTENSION OF CELL PHONE AREA VARIANCE HEARING

Nixon Peabody Horwath Communications, 1300 Clinton Sq., Rochester, NY 14604

Re: 159 Bartholomew Road Pine City, NY 14871

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

Item No. 1 - Call to Order

Attendance

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

Board Member Absent: James Gensel

Others Present: Leslie Mauro, Town Attorney
Bonnie Balok, Secretary-Zoning Board of Appeals

Others Absent: Peter Rocchi, Town Code Enforcement Officer

Item No. 2 – Approval of Minutes of May 16, 2018

Vice Chairman Faulkner advised the first item on the Agenda is the Minutes of May 16, 2018 and asked if there were any changes or corrections. Mr. Arikian advised the minutes should be corrected to remove reference to his “abstaining” and to include the more appropriate wording “recused”. Ms. Eames advised the minutes should be corrected to remove the title “vice president” and include the title “vice chairman” with reference to Mr. Faulkner’s ZBA title. *(Note: corrections in blue on May 16, 2018 minutes)*. Mr. Arikian made a motion to approve the minutes; seconded by Ms. Silvers. Minutes of May 16, 2018 were unanimously approved.

Item No. 3 – New Business

Informational Hearing– Kevin Youngs

Not in Attendance: Applicant Kevin Youngs did not attend the informational hearing. No other representative present.

Vice Chairman Faulkner called the meeting to order and asked if Mr. Youngs was in attendance or if he had a representative in attendance. Mr. Youngs was not in attendance and no representative was in attendance. Based upon the applicant's absence, the informational hearing was cancelled.

July 18, 2018 – Youngs Informational Hearing Cancelled and Adjourned: 7:03 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: Kevin Youngs, 94 Peacefield Rd, Pine City, NY 14871

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

Minutes of July 18, 2018 – Extension of Cell Phone Area Variance Hearing – Horwath Communications
Nixon Peabody Horwath Communications, 1300 Clinton Sq., Rochester, NY 14604
Re: 159 Bartholomew Road Pine City, NY 14871

Item No. 3 – New Business (continued)

Extension of Cell Phone Area Variance Hearing – Horwath Communications

Vice Chairman Faulkner called the meeting to order and asked if anyone was in attendance representing the requested extension. Mr. Dan Schweigard advised he was in attendance as an agent for Verizon. Mr. Arikian recused himself from this hearing.

Mr. Schweigard advised projects have to be prioritized based on the budgeting process and the Bartholomew Road project was bumped down and put on hold for one (1) year, but at this point, the request would be for a one (1) year extension.

Attorney Mauro advised the Board would need to review the requested variance because the variance expired April 19, 2018; The Board would need to go through the process to make sure this is done right because no substantial construction has taken place, need to be sure this is complying with Code, reopen SEQR and issue as a new variance request.

Vice Chairman Faulkner reviewed and completed the SEQR form with Attorney Mauro. The Board discussed the acceptance of the SEQR, Ms. Silvers made a motion to accept the SEQR and request for a new area variance; Ms. Eames seconded that motion, the Board voted unanimously to approve an extension for one (1) year/ Upon further discussion between Mr. Schweigard and Attorney Mauro, Attorney Mauro advised a public hearing should be held because the variance granted previously had expired and the matter before the Board represents a new variance request. Therefore, a public hearing would be required.

The Board unanimously rescinded the extension for one (1) year and voted to hold a public hearing. Vice Chairman Faulkner advised the public hearing would be scheduled for August 15, 2018 at 7:00 pm and paper work would be sent to Horvath Communications by Peter Rocchi, Code Enforcement and Bonnie Balok, ZBA.

July 18, 2018 – Nixon Peabody Horwath Communications Adjourned: 7:18 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: Nixon Peabody Horwath Communications,
1300 Clinton Sq., Rochester, NY 14604

Bonnie Balok, Secretary
Zoning Board of Appeals,
July 19, 2018

Item No. 3 – New Business (continued)

Review and Discussion of Résumé Submitted for Alternate Board Member Position

The Board discussed the qualifications and interest of the one applicant applying for the alternate Board member position. The Board voted to table the matter.

Item No. 4 – Old Business

No old business to discuss.

Item No. 5 – Discussion

No other items to discuss.

No. 6 – Adjournment

Motion to adjourn was made by Ms. Silvers; Motion seconded by Ms. Eames. Board voted unanimously to adjourn. Meeting adjourned: 7:31 pm.

Bonnie Balok
Secretary-Zoning Board of Appeals
July 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
 Kevin Youngs, 94 Peacefield Rd, Pine City, NY 14871
 Nixon Peabody Horwath Communications, 1300 Clinton Sq., Rochester, NY 14604

Bonnie Balok
Secretary-Zoning Board of Appeals
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