



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

*Minutes Approved
by the Board of Appeals
8/19/20*

ZONING BOARD OF APPEALS

PUBLIC HEARING

KEVIN SNYDER, 792 MIDDLE ROAD, MILLERTON, PA 16936

Area Variance: 77 Sunset Road, Wellsburg, NY 14894

WEDNESDAY, MARCH 18, 2020

7:00 PM

**SOUTHPORT TOWN HALL
1139 PENNSYLVANIA AVENUE
ELMIRA, NY 14904**

Minutes of the public hearing of the Town of Southport Zoning Board of Appeals, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, NY on Wednesday, March 18, 2020, at 7:00 p.m.

Board Members Present: Justin Faulkner, Chairman
Shawn Crater
Deborah Eames
Edward Steinhauer

Board Members Absent: Susan Silvers, Vice Chairman
BeLinda Combs, Alternate Board Member

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

Others Absent: Leslie Connolly, Town Attorney

Item No. 1 - Call to Order

Chairman Faulkner called the meeting to order on or about 7:00 p.m.

Item No. 2 - Approval of Minutes of February 19, 2020

Chairman Faulkner advised the next item on the agenda was the approval of the minutes of February 19, 2020. No changes or corrections were requested. Motion was made by Ms. Eames to approve the February 19, 2020 minutes. Motion was seconded by Mr. Steinhauer. The minutes of February 19 2020 were approved by Ms. Eames, Mr. Steinhauer and Chairman Faulkner. Mr. Crater abstained; Mr. Crater was absent from the February 19, 2020 hearing.

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**Kevin Snyder
792 Middle Road, Millerton, PA 16936
Re: 77 Sunset Road, Wellsburg, NY 14894**

Item No. 3 - New Business

Public Hearing

- (1) Kevin Snyder of 792 Middle Road, Millerton, PA 16936
Requesting an Area Variance to subdivide land into .3937 acres which does not meet
current Bulk Density Control Schedule requirements of Section 525-24 of three (3) acres.
77 Sunset Road, Wellsburg, NY 14894 Current Use: Residential
Tax Map#: 119.00-2-5 Zoned: AR

Present: Kevin Snyder, 65 Pony Hill Road, Millerton, PA 16936 *(792 Middle Rd, Millerton, PA)*
Cheryl Adams, 65 Pony Hill Road, Millerton, PA 16936
Ron Stadelmaier, 1342 Pennsylvania Avenue, Pine City, NY 14871

Mr. Snyder explained he wants to divide his land located at 77 Sunset Road into two parcels. Mr. Snyder advised he has no use for the acres of vacant land and wants to sell the land and keep the parcel where the home is located. Mr. Snyder advised he can't build on the vacant land and the land is of no use to him.

Mr. Stadelmaier advised he owns the land adjoining Mr. Snyder's property.

Mr. Snyder did not have his receipt from the "Star-Gazette" providing proof the public hearing ad had been paid. Therefore, it was noted the hearing would proceed based upon the contingency that Mr. Snyder would provide written proof his legal ad was paid. *(Note: 8/19/20, Amendment was made to the Minutes of 3/18/20. Mr. Snyder brought in his receipt from the "Star-Gazette" and presented it to Mr. Rocchi, in the Zoning and Code Enforcement Dept.. This receipt provided proof the legal ad was paid in full).*

It was noted no other residential property is near the property to be subdivided, the Chemung County Health Department has provided written information concerning the septic and the property was bought from a Mr. Light. Further, there are 18.397 acres total, going to subdivide 18 acres and keep .397 acres with Route 14 dividing the land.

Mr. Rocchi explained the land is physically separate now. The Board of Health would put that into equal parts, but does not.

Chairman Faulkner opened the hearing up to the public. No public comments were made. Chairman Faulkner closed the public hearing portion of the hearing.

Chairman Faulkner explained the five (5) area variance questions would have to be answered; first by Mr. Snyder and then by the Board members.

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**Kevin Snyder
792 Middle Road, Millerton, PA 16936
Re: 77 Sunset Road, Wellsburg, NY 14894**

Mr. Snyder 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. Snyder – No can't see where it would.

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. Snyder – No

Q3. Whether the requested area variance is substantial?

A. Mr. Snyder – Yes .34 acres to 3 acres; minimum AR is 3 acres.

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. Snyder – 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. Snyder –No

The Board reviewed the five (5) area variance questions and provided their answers as follows:

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?

Unanimous: No Crater, Eames, Steinhauer, Faulkner – all no responses

Q2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue,

Unanimous: No Crater, Eames, Steinhauer, Faulkner – all no responses

Q3. Whether the requested area variance is substantial?

Unanimous: Yes Crater, Eames, Steinhauer, Faulkner – all yes responses

Q4. Whether the proposed area variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

Unanimous: No Crater, Eames, Steinhauer, Faulkner – all no responses

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?

Unanimous: No Crater, Eames, Steinhauer, Faulkner – all no responses

**Zoning Board of Appeals
Minutes of March 18, 2020–Public Hearing**

Kevin Snyder
792 Middle Road, Millerton, PA 16936
Re: 77 Sunset Road, Wellsburg, NY 14894

Motion by Mr. Steinhauer, to approve the variance requested to subdivide land into .3937 acres, contingent upon proof of payment of the legal ad, Seconded by Ms. Eames. Unanimous vote yes. Crater, Eames, Steinhauer, Faulkner – all yes responses.

Area variance Granted

Public Hearing for Snyder Adjourned: 7:20 pm.

4. Old Business

It was noted, Ms. Eames’ term on the ZBA is ending April 1, 2020. Ms. Eames has served on the ZBA for fourteen years. Ms. Eames service to the ZBA and the Town of Southport is appreciated.

5. Recommendations

The Board discussed two (2) names be submitted to the Town Board as recommendations to fill the following ZBA positions:

1. BeLinda Combs-----ZBA Board Member
(replacing Deborah Eames whose term is expiring April 1, 2020)
2. Kenneth Wrigley-----Alternate ZBA Board Member

Motion was made by Mr. Crater to appoint BeLinda Combs as the ZBA Board member and appointment Mr.Kenneth Wrigley as the Alternate Board member. Unanimously approved: Crater, Eames, Steinhauer, Faulkner – all yes responses.

Original on File:	Town Clerk
C:	Town Board
	Board of Appeals
	Planning Board
	Town Supervisor
	Town Attorney
	Town Assessor
	Town Code Enforcement Officer
	Applicant: Kevin Snyder, 792 Middle Rd, Millerton, PA 16936

Bonnie Balok, Secretary
Zoning Board of Appeals,
March 19, 2020

*Minutes Approved
by the Board of Appeals
8/19/20*

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

**RESOLUTIONS
2020**

Resolution No. 4

AREA VARIANCE GRANTED

PROPERTY:	TAX MAP NO. 119.00-2-5 COMMONLY KNOWN AS 77 SUNSET ROAD	ZONED: AR WELLSBURG, NY 14894
APPLICANT:	KEVIN SNYDER 792 MIDDLE ROAD,	MILLERTON, PA 16936
OWNER:	KEVIN SNYDER 792 MIDDLE ROAD	MILLERTON, PA 16936
RESOLUTION:	CRATER	SECONDED: EAMES

WHEREAS, Kevin Snyder, 792 Middle Road, Millerton, PA 16936 applied for an area variance at 77 Sunset Road, Wellsburg, NY 14894 to subdivide land into .3937 acres which does not meet current Bulk Density Control Schedule requirements of Section 525-24 of three (3) acres, Town Code, Town of Southport, County of Chemung. The property is located in an AR zone and is commonly known as 77 Sunset Road, Wellsburg, NY 14894, Tax Parcel, 119.00-2-5, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a public hearing on March 18, 2020 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, with no one voicing concerns for or against the proposal, and

WHEREAS, upon deliberation, consideration and discussion, and following inspection of the property, the members of the Zoning Board of Appeals were of the opinion that an area variance should be granted to allow for an area variance to subdivide land into .3937 acres, contingent upon Mr. Snyder providing proof of payment of the legal ad, and

NOW THEREFORE BE IT RESOLVED, that an area variance be granted Kevin Snyder, 792 Middle Road, Millerton, PA 16936 with respect to 77 Sunset Road, Wellsburg, NY 14894, Tax Map 119.00-2-5, contingent upon Mr. Snyder providing proof of payment of the legal ad, 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 variance will render the variance null and void.

Ayes:	Crater, Eames, Steinhauer, Faulkner
Noes:	None
Absent:	Combs and Silvers
Carried.	Area variance granted

*Resolution for Minutes of March 18, 2020
Approved by Board of Appeals-August 19, 2020*