



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

*Minutes Approved
by Board of Appeals
10/20/2021*

BOARD OF APPEALS

AGENDA

WEDNESDAY, SEPTEMBER 15, 2021

REQUEST FOR AREA VARIANCE

Joshua Ring, 8 Rolling Acres Road, Pine City, NY 14871

SOUTHPORT TOWN HALL
1139 PENNSYLVANIA AVENUE
ELMIRA, NY 14904

7:00 pm

Webex Meeting

1-415-655-0002

Meeting number (access code): 179 423 7785

Minutes of the Zoning Board of Appeals, Town of Southport, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on September 15, 2021 at 7:00 p.m.

Board Members Present: Justin Faulkner
Shawn Crater
Susan Silvers
Edward Steinhauer
Ken Wrigley, Alternate

Board Member Absent: Belinda Combs

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

Item No. 1 – Call to Order

Mr. Faulkner called the meeting to order at 7:06 p.m.

Item No. 2 – Approval of Minutes of August 18, 2021

Mr. Faulkner advised the next item on the agenda was the approval of the minutes of August 18, 2021. Motion made by Mr. Crater to accept the minutes as prepared; seconded by Ms. Silvers. The minutes of August 18, 2021 were approved.

Item No. 3 – New Business

Chairman Faulkner advised the informational hearing tonight is held for Joshua Ring, 8 Rolling Acres Road, Pine City, NY 14871, regarding an area variance to allow raising chickens in a R-1 zone on a substandard size lot (225 x 130) not in compliance with Section 525-Zoning, Article V-Bulk Density Control Requirements and Section 525-33-Special Requirements: (A). Special requirements for each agricultural use identified and defined in Section 525-5 shall apply as follows: (2) The keeping or maintenance of animals or animal waste for any use on any parcel shall not be less than 150 feet from any residence located on another parcel. (7) An agricultural use, personal: (a) Within any R-1 Zoning District that involves animals, shall have a minimum lot of 5 acres; Tax Map #: 117.04-3-54.2, Zoned: R-1, Current Use: Residential.

Present: Joshua Ring and Karen Miller
8 Rolling Acres Road, Pine City, NY 14871.

Item No. 3 – New Business (continued)

Mr. Ring provided his address and advised he wanted to keep chickens on his property. The property consists of .32 acres of land and the chickens he has are completely fenced in. Mr. Ring has lived at this home for six (6) years and has had the chickens on the property for one (1) year. Mr. Ring advised there are eleven (11) hens on the property. Mr. Ring explained the number of hens was the minimum he could order. Mr. Ring explained his neighbor, who is one hundred fifty one feet (151') from his property, comes over, takes care of the chickens, lets them out, feeds them and collects eggs.

Discussion took place concerning the “Right to Farm” sign that was located down the road and the homeowners’ belief the designation provided the right to have the chickens. Mr. Crater explained the designation of “Right to Farm” does not mean the residential property has the right to farm and that eight (8) years ago that designation was an issue.

Discussion continued concerning the document Mr. Ring provided. Mr. Ring explained the white section is farm, the blue section is water shed and the brown section is commercial; his property is R1.

The number of chickens is the concern and Mr. Ring advised he had expected ten (10) and got eleven (11) chickens. Ms. Miller explained the chickens were sold at the Tractor Store; three (3) in store and twelve (12) on line. The chickens are pets and the children take them down the slide, carry them around and count the number of chickens.

Chairman Faulkner advised a public hearing would be the next step in the process. The public hearing will be scheduled for October 20, 2021 at 7:00 pm. Secretary Balok will forward the required procedures to Mr. Ring and Ms. Miller via Email.

Item No. 4 – Old Business

Discussion took place concerning language for making a motion and language to cut off debate to call for a vote. Chairman Faulkner made a motion for Board members to use the right to cut off debate and then to vote using language stating: a motion is made with a “no” vote denying a variance and a “yes” vote granting a variance. Seconded by Ms. Silvers. Unanimously approved.

Item No. 5 – Discussion

No further discussion

Item No. 6 - Adjournment

Motion by: Ms. Silvers
Seconded: Mr. Faulkner
Unanimously approved
Meeting adjourned: 7:37 pm

Original on File: Town Clerk
C: Town Supervisor, Town Attorney, Town Code Enforcement Officer
Board of Appeals Town Board Planning Board
Minutes of 9/15/21 Joshua Ring, 8 Rolling Acres Road, Pine City, NY 14871

Bonnie Balok,
Secretary-Zoning Board of Appeals
September 16, 2021