



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

MINUTES APPROVED
BY BOARD OF APPEALS
2/16/2022

BOARD OF APPEALS

MINUTES

WEDNESDAY, JANUARY 19, 2022

INFORMATIONAL HEARING

William Everett, 8 Elan Place, Pine City, NY 14871
NRI – Newcomer Remodeling
Glenn Newcomer

Re: 1243 Pennsylvania Avenue, Pine City, NY 14871

ORGANIZATIONAL MEETING

Election of Chairman, Vice-Chairman and Secretary,
Establishing Meeting Day and Time

SOUTHPORT TOWN HALL

1139 PENNSYLVANIA AVENUE, ELMIRA, NY 14904
7:00 PM

Webex Meeting

1-650-479-3208

**Meeting number (access code):
2630 359 0720**

Minutes of the Zoning Board of Appeals, Town of Southport, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on January 19, 2022 at 7:00 p.m.

Board Members Present: Justin Faulkner
Belinda Combs
Shawn Crater
Edward Steinhauer
Ken Wrigley, Alternate

Board Member Absent: Susan Silvers

Others Present: Leslie Connolly, Town Attorney (*Present Via Webex*)
Peter Rocchi, Town Code Enforcement Officer
Bonnie Balok, Secretary-Zoning Board of Appeals

Item No.1. Call to Order

Chairman Faulkner called the meeting to order at 7:00 pm.

Item No. 2. Approval of Minutes of November 17, 2021

Chairman Faulkner advised the next item on the agenda was the approval of the minutes of November 17, 2021. Motion made by Mr. Crater to accept the minutes as prepared; seconded by Ms. Combs. The minutes of November 17, 2021 were unanimously approved.

Informational Hearing – William Everett

8 Elan Place, Pine City, NY 14871

(NRI Newcomer Remodeling-Glenn Newcomer)

Re: 1243 Pennsylvania Avenue, Pine City, NY 14871

Use variance to allow for a cottage industry which is not allowed in R2 zone as per Section 525-Use Regulation Table (*Current Use: Vacant Commercial*)

Item No. 3. New Business

Chairman Faulkner advised the next item on the agenda is an informational hearing for William Everett-Newcomer, 8 Elan Place, Pine City, NY 14871 regarding 1243 Pennsylvania Avenue, Pine City, NY 14871 and a request for a use variance to allow for a cottage industry (Section 525-108) which is not allowed in a R2 zone as per Section 525-Use Regulation Table, Tax Map # 109.09-3-40, Zoned: R-2, Current Use: Vacant Commercial (*Note: Correction of Last Name from variance request application – Correction to: William Everett, Glenn Newcomer, Newcomer Remodeling-NRI*)

Present: William Everett
Glenn Newcomer

William Everett, 8 Elan Place, Pine City, advised he applied for a use variance concerning 1243 Pennsylvania Avenue, Pine City, NY to allow for a cottage industry. Mr. Everett also advised the name should be corrected as follows: William Everett and Glenn Newcomer.

Mr. Everett explained he purchased the building and property in the name William Everett, he and his family will reside in one-half of the home; the total square footage of the site is sixteen thousand square feet (16,000’); where the old pool was there will be a shop which would include a table, saws and light cabinets in the building. Mr. Everett further explained he would update the property as needed on the outside, but no additions would be made to the property; there is an enclosed parking lot where the pool was formerly located, this includes four thousand square feet (4,000’); years ago the pool that had been on the property was filled in and after that a parking lot was added; that is there now and has no heating; this area would be the shop, fully enclosed with a garage door to allow access for a dump truck and no cutting would be done outside; hours of operation will be 7:30 am – 6 pm; NRI does residential remodeling, HVAC work, handyman work, kitchen, baths and additions; limited work would be inside, most of the work would be done on the project site; there are two (2) handymen, and the vans on site would be outback; Monday morning would be the highest traffic time because they have staff meetings; there are eight (8) to ten (10) employees.

Mr. Newcomer explained he has been in business since 1980; William Everett has worked for Mr. Newcomer for fifteen (15) years. The current business location evolved over time; Mr. Newcomer lived on Hendy Creek Road, received a variance from the Town of Big Flats (*where the his shop is now*) built a shop on the site and his home was on that site also. Mr. Newcomer advised he doesn’t live in the house, but still owns the shop building. Mr. Newcomer explained he and Mr. Everett have been looking for a building for the business for some time, the situation is almost like when Mr. Newcomer started with his home near his shop and this will be like Mr. Everett with his home and shop near him so he can be closer to his family.

The property will be the residence for William Everett and his family. The home has six (6) bedrooms and the Everett’s have five (5) children.

Mr. Everett explained the property lost the commercial status because the site has been on the market for so long. The property has been vacant for eighteen (18) to twenty (20) months.

Mr. Everett advised his current residence is on McHenry Street, his children are home schooled and in acquiring Mr. Newcomer’s business he is not acquiring Mr. Newcomer’s shop building.

Mr. Rocchi advised the original variance was for a doctor’s office, one for Dr. Groff, second variance eliminated residence and was strictly for business, and the last variance was for multiple doctors’ offices. The property variances have been for business operation not for a residential use.

Informational Hearing – William Everett

8 Elan Place, Pine City, NY 14871

(NRI Newcomer Remodeling-Glenn Newcomer)

Re: 1243 Pennsylvania Avenue, Pine City, NY 14871

Use variance to allow for a cottage industry which is not allowed in R2 zone as per Section 525-Use Regulation Table (*Current Use: Vacant Commercial*)

Item No. 3. New Business *(continued)*

Chairman Faulkner advised the next step would be to have a public hearing concerning the variance request.

The public hearing will be held next month on February 16, 2022, 7:00 pm at the Southport Town Hall.

Mr. Rocchi will put signs up on the property notifying the public about the hearing. Ms. Balok will provide the legal notice details and the applicant is responsible for payment of the legal ad in the “Star-Gazette”. Details will be emailed to the applicant at the email address Mr. Everett provided.

Informational Hearing Adjourned: 7:20 pm.

Original on File: Town Clerk
Copy: Town Supervisor, Town Attorney, Town Code Enforcement Officer
Board of Appeals Town Board Planning Board
Minutes to: Mr. William Everett, 8 Elan Place, Pine City, NY 14871

Item No. 4. Old Business

The Board discussed vouchers. It was noted all vouchers have been turned into the Town of Southport for the year 2021.

Item No. 5. Discussion

The Board opened this segment to hold the Organizational Meeting to elect a chairman, vice-chairman, secretary and establish the meeting date and time for the ZBA meetings.

Chairman: Motion made by Mr. Steinhauer to nominate Mr. Faulkner as chairman; seconded by Mr. Crater.
Unanimously approved.
Vice-Chairman: Motion made by Ms. Combs to nominate Ms. Silvers as vice-chairman; seconded by Mr. Wrigley.
Unanimously approved.
Secretary: Motion made by Mr. Faulkner to nominate Ms. Balok as secretary; seconded by Mr. Crater.
Unanimously approved.
Meeting Day: Motion unanimously approved for the third Wednesday of each month as the meeting day.
Meeting Time: Motion unanimously approved for 7:00 pm to be the meeting time.

Organizational Meeting Adjourned: 7:30 pm

The Board went into Executive Session with Attorney Leslie Connolly. The Board was provided with details concerning litigation being brought against the Town of Southport.

Executive Session Adjourned: 7:40 pm

ZBA Meeting of January 18, 2022
Adjourned: 7:42 pm

Bonnie J. Balok
Secretary-Zoning Board of Appeals
January 21, 2022

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