



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

MINUTES APPROVED
BY BOARD OF APPEALS
SEPTEMBER 20, 2023

BOARD OF APPEALS

MINUTES

WEDNESDAY, AUGUST 16, 2023

ORGANIZATIONAL MEETING

6:30 PM

INFORMATIONAL HEARING

David Adams, o/b/o CLF Enterprises
111 East 14th Street, Elmira Heights, NY 14903

7:00 PM

Re: 550 Spruce Street, Elmira, NY 14904

SOUTHPORT TOWN HALL

1139 PENNSYLVANIA AVENUE, ELMIRA, NY 14904

Minutes of the organizational meeting of the Zoning Board of Appeals, Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on August 16, 2023 at 6:30 pm. The organizational meeting was held at 6:30 p.m., followed by an informational hearing at 7:00 p.m.

Item No. 1 - Call to Order

Attendance

Board Members Present: Belinda Combs
Justin Faulkner
Susan Silvers
Kenneth Wrigley

Board Member Absent: Shawn Crater Note: Mr. Crater, Absent-Organizational Hearing
Mr. Crater, Present-Informational Hearing

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

Item No. 2 - Organizational Meeting

Organizational Meeting

The organizational meeting was called to order by Mr. Faulkner. The purpose of the organizational meeting was to elect a chairman, vice-chairman, secretary and select a meeting day and meeting time.

Resolution No. 1

Appointment of Justin Faulkner, Chairman of the Zoning Board of Appeals, Town of Southport for the year 2023.

Resolution by: Combs

Seconded by: Silvers

Whereas, the Zoning Board of Appeals held an organizational meeting to elect a chairman for the year 2023, and
Whereas, Ms. Combs made a motion to nominate Justin Faulkner as Chairman, and Ms. Silvers seconded the motion.
Resolved, Justin Faulkner will serve as Chairman of the Zoning Board of Appeals, Town of Southport for the year 2023.

Ayes: Combs, Silvers, Wrigley

Abstained: Faulkner

Nays: None

Carried.

Resolution No. 2

Appointment of Susan Silvers, Vice-Chairman Zoning Board of Appeals, Town of Southport for the year 2023.

Resolution by: Wrigley

Seconded by: Combs

Whereas the Zoning Board of Appeals held an organizational meeting to elect a vice- chairman for the year 2023, and Whereas, Mr. Wrigley made a motion to nominate Susan Silvers, and Ms. Combs seconded the motion. Resolved, Susan Silvers will serve as Vice-Chairman, Zoning Board of Appeals, Town of Southport for the year 2023.

Ayes: Combs, Faulkner Wrigley Abstained: Silvers Nays: None Carried

Resolution No. 3

Appointment of Bonnie Balok, Secretary, Zoning Board of Appeals, Town of Southport for the year 2023.

Resolution by: Faulkner

Seconded by: Silvers

Whereas the Zoning Board of Appeals held an organizational meeting to elect a secretary for the year 2023, and Whereas, Mr. Faulkner made a motion to nominate Bonnie Balok, and Ms. Silvers seconded the motion. Resolved, Bonnie Balok will serve as Secretary, Zoning Board of Appeals, Town of Southport for the year 2023.

Ayes: Combs, Faulkner, Silvers, Wrigley Nays: None Carried:

Resolution No. 4

Meeting Day for the Zoning Board of Appeals, Town of Southport shall be the third Wednesday of each month.

Resolution by: Faulkner

Seconded by: Silvers

Whereas the Zoning Board of Appeals held an organizational meeting to select a meeting day for the year 2023, and Whereas, Mr. Faulkner made a motion to set the meeting day as the third Wednesday of each month, and Ms. Silvers seconded the motion. Resolved, the third Wednesday of each month shall be the meeting day for the Zoning Board of Appeals for the year 2023..

Ayes: Combs, Faulkner, Silvers, Wrigley Nays: None Carried:

Resolution No. 5

Meeting Time for the Zoning Board of Appeals, Town of Southport shall be 7:00 p.m.

Resolution by: Faulkner

Seconded by: Silvers

Whereas the Zoning Board of Appeals held an organizational meeting to select a meeting time for the year 2023, and Whereas, Mr.Faulkner made a motion to set the meeting time as 7:00 pm each month, and Ms. Silvers seconded the motion. Resolved, 7:00 p.m. shall be the meeting time for the Zoning Board of Appeals for the year 2023.

Ayes: Combs, Faulkner, Silvers, Wrigley Nays: None Carried:

Discussion took place concerning appointment to replace Mr. Steinhauer on the Board. Mr. Steinhauer moved out of the Town of Southport. The replacement would serve as the alternate on the Board. Previously, there had been two (2) individuals who had expressed an interest in serving on the Board; one applied in June of 2022 and the second applied in November 2022. Due to the fact the Board did not meet from August-December in 2022 and did not meet from January-July 2023, no applicant had been contacted. Mr. Faulkner made a motion to table the nomination of an alternate Board member. Mr. Wrigley seconded the motion. The Board approved contacting the two previous applicants to determine if they are still interested in serving on the Board. Ms. Balok will send a letter to each individual.

Organizational Meeting Adjourned: 6:50 pm

Item No. 3 - Approval of Minutes of July 20, 2022.

Mr. Wrigley made a motion to approve the minutes of July 20, 2022; seconded by Mr. Faulkner. The minutes of July 20, 2022 were unanimously approved.

Item No. 4 – New Business

Informational Hearing – David Adams, o/b/o CLF Enterprises

111 East 14th Street, Elmira Heights, NY 14903

Re: 550 Spruce Street, Elmira, NY 14904

Use Variance to Develop a Multi-Unit Apartment Complex in Existing Hopkins Street School

Attendance: Applicant David Adams, o/b/o CLF Enterprises

Chairman Faulkner called the meeting to order and advised this is an informational hearing for David Adams, o/b/o CLF Enterprises, 111 East 14th Street, Elmira Heights, NY concerning property located at 550 Spruce Street, Elmira, NY, Tax Map 99.14-1-49.2, zoned R2, concerning a use variance to develop a multi-unit residential apartment complex in the existing Hopkins Street School. Multi-unit dwelling is not an allowable use in R2 zone as per the Use Regulation Table, Section 525-20.

Mr. Adams advised he is the architect for Coty Ferris, CLF Enterprises, the proposed owner of the building. Previously there was a day care on this site, but the property has been vacant for ten (10) years. The proposed project is to develop the site for multi-unit apartments similar to the development on East Water Street. The project would contain twenty (20) to twenty one (21) units. No purchase offer has been made yet. The property is zoned R2, only use allowable would be single family or a duplex, occupied for accessory use, but there would have to be a main use first to have accessory use. The property consists of 1.81 acres. Parking would be identified as one and one-half (1 1/2) parking spaces per unit, the entrance would be the same, back would have a service area, there would be a fence along area where the residential area is now. One entrance and one exit on Spruce Street, twenty four feet (24') for two-way traffic, no right of way in back where property is owned by Saints Peter and Paul's Cemetery. Rent would be \$1,200 per month, two (2) bedrooms and two (2) baths, three (3) bedrooms and two (2) baths, and if space is available, may have one (1) bedroom and one (1) bath. High end units moderate to high end; similar to the current development of eighteen (18) units on East Water Street, 313-315 East Water Street, Elmira, NY. Units on second floor over the Turtle Leaf Café which is on the first floor. Within six (6) months there are six (6) units that have been completed on this Water Street site. Also, the Mid-Town Building on Main Street in Elmira has recently been purchased by CLF Enterprises.

Concern was raised about parking and if there might be a way to accommodate more parking. Zoning allows for one (1) to two (2) family units to have one and one-half (1 1/2) parking spaces. Other concerns were ingress/egress, as well as lighting.

Additional discussion concerned Planning Board review and the market rate having any other components that require NYS funding. Mr. Adams advised no other NYS funding and the calculation of rent is what would be charged. The investment would be 1.6 million dollars, rents \$1,200 would have a payback over sixty (60) years. The developer is a contractor and does his own work.

The building is in bad shape, some structural issues, rust on bar joist in the front and lower sections, roof has not been evaluated, roof has been leaking for eight (8) to ten (10) years. Sewer/water/gas would involve contacting the Health Department,

There had been an issue when the day care was in there about bricks coming down. Sewer line maybe within one block.

Green space plans were discussed and Mr. Adams advised there is still green space there. There is asphalt there and additional asphalt would be added for parking spaces.

The length of the project is as follows: documents needed to be done – four (4) to six (6) months before starting construction, build it eight (8) to twelve (12) months; project should take eight (8) to twelve (12) months

Attorney Dorritie raised a question about wetlands; DFR indicates there are wetlands, might be in place for drainage ditch (storm water), SHPO might have some thought on architectural site. Also, a traffic study might be needed – residential traffic. Traffic study might be expensive. This area isn't a convenience store situation, so a high level traffic study wouldn't be needed. A lower level traffic study would be sufficient. Question was also asked about contacting emergency services.

This project likely won't have to go to the Planning Board. Site Plan Review is not required. The concern is this is a little bare for the ZBA's review. Could require a site plan and it might be beneficial for the client. SEQR needed to review architectural sensitive areas, such as wetlands, and might require information from the Army Corp of Engineers. Use variance requirements deal with financial aspects of the project not financially feasible to develop, not self-created, project doesn't interfere with neighborhood. The building size and type is not typical of the neighborhood.

Mr. Adams advised no wetlands. There is a pond in the cemetery area, less than two hundred feet (200') close to the school. The building has three (3) stories, apartment size usually is one-thousand (1,000') to twenty-one hundred (2,100') square feet. In the basement there is one-half (1/2) story. There will be a laundry in each unit; each unit will have its own laundry. Emergency services have not been contacted, but sprinklers are proposed. The project is not designed as subsidized housing. Trying to find out size of septic, sewer and electric. The existing data is going in four (4) different directions. Seven (7) more cars going toward that site. There is a hydrant there also. No purchase offer at this time. The present owner is: King Dong. Coty Ferris is the proposed owner.

Attorney Dorritie outlined the items that need to be done before a public hearing can be scheduled. The items are:

1. Financial evidence sufficient to demonstrate that the property cannot achieve a reasonable rate of return absent the variance (appraisals, market studies, etc.).
2. Lower level traffic study.
3. More information about the architecturally sensitive area at/near the proposed project, and evidence sufficient to demonstrate that it will not be adversely affected by the proposed project.
4. More information about the wetlands on or near the proposed project and evidence sufficient to demonstrate that those wetlands will not be adversely impacted by the proposed project.
5. Availability of sewer project for the proposed project, and details sufficient to demonstrate that the sewers will not be adversely impacted by the proposed project.

This project will be discussed further after the five (5) items are completed. Full site plan needed, go through the Planning Board review process and conditional approval of the Planning Board. Adjourned until October 18, 2023.

Informational Hearing Adjourned: 8:04 pm

5. Old Business

No further discussion.

6. Discussion

No further discussion.

7. Adjournment

Ms. Silvers made a motion to adjourn. Mr. Wrigley seconded the motion. Unanimous vote yes to adjourn.

Meeting adjourned: 8:06 pm.

Original on File: Town Clerk,

Copy: Town Supervisor Town Attorney Town Code Enforcement Officer
 Zoning Board of Appeals Town Board Town Planning Board

Minutes of 7/20/2022 to: Elizabeth Morrissey, 407 Sharr Avenue, Elmira, NY 14904

Minutes of 8/16/2023 to David Adams, o/b/o CLF Enterprises, 111 East 14th Street, Elmira Heights, NY 14903

Bonnie Balok, Secretary
Zoning Board of Appeals
August 21, 2023

**MINUTES APPROVED
BY BOARD OF APPEALS
SEPTEMBER 20, 2023**

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

**RESOLUTIONS
2023**

**Resolution No. 1 Appointment of Chairman
Justin Faulkner**

WHEREAS, the Board of Appeals of the Town of Southport held its Organizational Meeting on Wednesday, August 16, 2023, 6:30 pm at the Southport Town Hall to elect officers, and establish a meeting date and time.

Motion was made by Ms. Combs and seconded by Ms. Silvers to nominate Justin Faulkner as Chairman of the Board of Appeals. Unanimously approved; Mr. Faulkner abstained from voting.

NOW, THEREFORE BE IT RESOLVED, that Justin Faulkner will serve as Chairman of the Board of Appeals of the Town of Southport for the year 2023.

Motion:	Ms. Combs	Abstained:	Mr. Faulkner	
Seconded:	Ms. Silvers	Unanimously approved		Carried.

**Resolution No. 2 Appointment of Vice-Chairman
Susan Silvers**

WHEREAS, the Board of Appeals of the Town of Southport held its Organizational Meeting on Wednesday, August 16, 2023, 6:30 pm at the Southport Town Hall to elect officers, and establish a meeting date and time.

Motion was made by Mr. Wrigley and seconded by Ms. Combs to nominate Susan Silvers as Vice- Chairman of the Board of Appeals. Unanimously approved; Ms. Silvers abstained from voting.

NOW, THEREFORE BE IT RESOLVED, that Susan Silvers will serve as Vice-Chairman of the Board of Appeals of the Town of Southport for the year 2023.

Motion:	Mr. Wrigley	Abstained:	Ms. Silvers	
Seconded:	Ms. Combs	Unanimously approved		Carried.

**Resolution No. 3 Appointment of Secretary
Bonnie J. Balok**

WHEREAS, the Board of Appeals of the Town of Southport held its Organizational Meeting on Wednesday, August 16, 2023, 6:30 p.m. at the Southport Town Hall to elect officers, and establish a meeting date and time.

Motion was made by Mr. Faulkner and seconded by Ms. Silvers to nominate Bonnie Balok as Secretary of the Board of Appeals. Unanimously approved.

NOW, THEREFORE BE IT RESOLVED, that Bonnie Balok will serve as Secretary of the Board of Appeals of the Town of Southport for the year 2023.

Motion:	Ms. Faulkner			
Seconded:	Ms. Silvers	Unanimously approved		Carried.

**RESOLUTIONS APPROVED
BY BOARD OF APPEALS
SEPTEMBER 20, 2023**

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

**RESOLUTIONS
2023**

**Resolution No. 4 Meeting Day
Third Wednesday of Each Month**

WHEREAS, the Board of Appeals of the Town of Southport held its Organizational Meeting on Wednesday, August 16, 2023, 6:30 p.m. at the Southport Town Hall to elect officers and establish a meeting date.

Discussion and approval to maintain the third Wednesday of each month as the meeting day. Unanimously approved.

NOW, THEREFORE BE IT RESOLVED, that the Board of Appeals will hold meetings on the third Wednesday of each month.

Unanimously approved

Carried.

**Resolution No. 5 Meeting Time
7:00 p.m.**

WHEREAS, the Board of Appeals of the Town of Southport held its Organizational Meeting on Wednesday, August 16, 2023, 6:30 p.m. at the Southport Town Hall to elect officers, and establish a meeting time.

Discussion and approval to maintain the time to be 7:00 p.m. Unanimously approved.

NOW, THEREFORE BE IT RESOLVED, that the Board of Appeals will hold meetings at 7:00 p.m.

Unanimously approved

Carried.

**RESOLUTIONS APPROVED
BY BOARD OF APPEALS
SEPTEMBER 20, 2023**