



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

MINUTES APPROVED
BY BOARD OF APPEALS
DECEMBER 20, 2023

BOARD OF APPEALS

MINUTES

WEDNESDAY, NOVEMBER 15, 2023

7:00 PM

SOUTHPORT TOWN HALL

1139 PENNSYLVANIA AVENUE, ELMIRA, NY 14904

INFORMATIONAL HEARINGS (3)

David Adams, o/b/o CLF Enterprises

111 East 14th Street, Elmira Heights, NY 14903

(continued from August 16, 2023)

Re: Use Variance - 550 Spruce Street, Elmira, NY 14904

Jesse Schroeder

481 Beckwith Road

Pine City, NY 14871

Re: Area Variance - 481 Beckwith Road, Pine City, NY 14871

Andrew Harding, o/b/o Cherry Lane Park, LLC

111 East 14th Street, Elmira Heights, NY 14903

Re: Area Variance - 1179 Sherman Avenue, 1165, 1169 and 1171 Cadet Terrace,
Elmira, NY 14904

Minutes of the informational hearings of the Zoning Board of Appeals, Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on November 15, 2023 at 7:00 pm.

1. Call to Order

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

Board Members Present: Justin Faulkner
Belinda Combs
Shawn Crater
Susan Silvers
Kent Collier, Alternate Board Member

Board Member Absent: Kenneth Wrigley

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

2. Approval of Minutes of September 20, 2023.

Motion to approve minutes by Mr. Crater; seconded by Ms. Silvers. Minutes of September 20, 2023 were unanimously approved.

3. 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 Building

Attendance: Applicant David Adams, Architect, , o/b/o CLF Enterprises
David Young, Professional Engineer

Chairman Faulkner called the meeting to order and advised this is a continuation of an informational hearing, held on August 16, 2023, 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, requesting a use variance to develop a multi-unit residential apartment complex in the existing Hopkins Street School building. Multi-unit dwelling is not an allowable use in R2 zone as per the Use Regulation Table, Section 525-20.

Mr. Young provided seven (7) copies of the Stormwater Management Plan for the proposed project. Mr. Young advised the traffic at Franklin Street will have a minimal impact on the proposed project; but if this was being redeveloped as a school, there would be an impact. Stormwater management with grass vegetative swale, reduced driveway width, reduced vegetative surface and this will accommodate a one hundred (100) year flood storm. Swale down along the southern border. Soil is pervious and shouldn't have a problem over there. No storm water will be taken off the property.

Mr. Adams explained the original submission showed wetlands; the pond is the only wetland.

Chairman Faulkner advised based upon the documents provided by Mr. Adams and Mr. Young, it appears the Board has received everything requested.

Public hearing will be scheduled for: Wednesday, December 20, 2023 at 7:00 pm.

A legal advertisement will be sent to the “Star-Gazette” and a sign will be posted on the property alerting the residents to the up-coming public hearing. The legal advertisement must be paid by the applicant before the scheduled public hearing. The applicant is required to submit the legal notice paid receipt to the ZBA for the record on the date of the hearing.
(A copy of the legal notice and instructions will be sent to the applicant)

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

Adjourned: 7:20 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 to David Adams, o/b/o CLF Enterprises, 111 East 14th Street, Elmira Heights, NY 14903

Bonnie Balok, Secretary
Zoning Board of Appeals
November 18, 2023

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

3. New Business *(continued)*

Attendance: Applicant Jesse Schroeder

Chairman Faulkner advised this is an informational hearing for Jesse Schroeder, 481 Beckwith Road, Pine City, NY requesting an area variance for a minimum setback for an outdoor wood-burning furnace, shall be setback not less than two hundred feet (200') from a lot line.

Mr. Schroeder explained the property is in a rural area, neighbors property is about one hundred fifty feet (150'); The closest house is a little over five hundred feet (500'), seventeen (17) acres on the right – vacant land *(no one lives there)* and on the left, the owner seems to be on board with the project, Frank Bowman did not have much to say one way or another. The wood-burning furnace will heat the home. The unit is prefabricated and Mr. Schroeder will install the unit with the help of a friend. Currently, there is a propane and coal, but the use is becoming expensive. The wood-burning furnace will be the primary source of heat. The wood will be stored on the land, but not sure exactly where yet. The house at 511 Beckwith Road has a wood-burning furnace.

Mr. Rocchi advised the reason for the setback is because of the smoke.

Chairman Faulkner explained the area variance being requested has five (5) questions the Board will ask Mr. Schroeder if he chooses to go on with a public hearing next month.

A legal advertisement will be sent to the “Star-Gazette” and a sign will be posted on the property alerting the residents to the up-coming public hearing. The legal advertisement must be paid by the applicant before the scheduled public hearing. The applicant is required to submit the legal notice paid receipt to the ZBA for the record on the date of the hearing. *(A copy of the legal notice and instructions will be sent to the applicant)*

Informational Hearing for Jesse Schroeder, 481 Beckwith Road, Pine City, NY

Adjourned: 7:30 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 to Jesse Schroeder, 481 Beckwith Road, Pine City, NY 14871

Bonnie Balok, Secretary
Zoning Board of Appeals
November 18, 2023

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

3. New Business (*continued*)

Attendance: Applicant Andrew Hardin, AIA, o/b/o Cherry Lane Park, LLC
Keith (*Last Name Not Provided*) Park Management/Owner of Several Sites

Chairman Faulkner advised this is an informational hearing for Andrew Harding, o/b/o Cherry Lane Park, LLC, 111 East 14th Street, Elmira Heights, NY requesting an area variance for 1170 Sherman Avenue and 1165, 1169 and 1171 Cadet Terrace for an area variance to design a mobile home park. Town code requires the project will not be barrack-like in nature, provide a service building for bathing facilities and laundry, and an exterior length and width of a structure shall not be less than twenty feet (20').

Mr. Harding explained the proposal includes combining the above lots into one (1) parcel, a common building, redesign the park and going from twenty five (25) existing units to sixteen (16) units. The site consists of a little over two (2) acres; there will be eight (8) units per acre. Width for mobile home thirty feet (35'). The service building can be eliminated and requirement can be waived because each unit will have its own laundry and bathrooms. The variance will be required for an office. The way the zoning reads, it seems not to be applicable to this proposal; record number of people on the site, license numbers, person's name (*log on who is on site*). There will be an Emergency Number to call 24/7. The units will be owner occupied not rentals. On site management might not be needed because owner occupied will be more like retirement estates. Putting in a utility building maintained for water services, can post emergency number there, each person will pay their own water bill with the water board, does allow sub water metering to owner, pay main meter give each individual a meter reading. Seeking a variance for thirteen feet (13') for units. Old existing park consisted of all single wide, new reorganization will come into compliance with zoning. Double wide units increase the cost of investments which would reduce the project by one (1) unit and take twenty years (20) to recoup. Utility space will be ten foot (10') by ten foot (10') building, garbage will be placed in cans picked up by Casella (*no dumpsters*). Park in Ithaca has over sixty (60) units, fifteen (15) homes compliant, twenty foot (20') wide instead of fifteen foot (15'). There is a ten (10) year pay back on this. Will connect to Cadet Terrace. Single wide is longer, double wide is shorter. Single wide includes twelve hundred square feet (1,200'), double wide \$150,000 (*three (3) bedrooms instead of two (2) bedrooms*). Retirement estates looking for smaller two (2) bedrooms instead of three (3) bedrooms. Storm water covering more area, previously there were twenty five (25) trailers, this project will have some square footage on storm water, soils permeable creates some sort of swale. Roadways proposed at least chipped stone; won't be dirt. Currently there is an agreement with the Town. One (1) reason the park is in such bad condition no improvements were made in the park, the appearance of the park will be completely different. Brand new and some less than ten (10) years old, Homes will be all vinyl sided. Owner bringing in homes reconditioned and/or new. Because of substandard lots, couldn't do much. Spending one and one-half million dollars to develop the park. Owner/operator rejuvenating the property. The units are going to be sold not rented. There are three (3) owner occupants in the existing park now. Lot rent will be \$300 to \$400 per month. Six hundred square feet (600') to eight hundred square feet (800') to one thousand square feet (1,000') makes an even bigger gap for people. Looked at twenty foot (20'), but based on cost this would be impractical because it is based on what the market will bare. Smaller square footage is better: Width-twenty four feet (24'); Length-fifty two feet (52'); over one thousand square feet (1,000'). Single wide: Width-thirteen foot (13'); Length-sixty foot (60'); eight hundred square feet (800'). Avoid barracks as opposed to cul-de-sacs. Retirement estates has wider roads throughout. Planning Board makes recommendations, sends to Town board and Town can wave this. Provide a facility for bathing can also be waived. Variance would be needed for an office (*Size-twenty feet (20')*). Laid out curved roadway or cul de sac. In contract with company and town, age of the units is not addressed.

Keith explained, in the Ithaca Park, single wides are what most parks have and the Ithaca Park is managed very well. Management is not on site, there are no violations on five (5) properties his company owns. The site in Southport currently has eight (8) remaining units with an eviction process currently underway; four (4) to five (5) people were evicted last month. The Southport property was let go way too long, units were from the 1950's. This project is a big undertaking and will take until April, including changing services. This will be done in Phase I, II and III. Keith advised he has been doing this for over thirty (30) years and once a project is done, the owner will be putting in one and one-half millions dollars. Not going to let homeowner bring in a home, new owner buys the park and updates the whole new waterline, they do the work themselves, don't have to subcontract work out. Infra structure will be put in all at once (*gas, water, electric*) Might provide discount for individuals who are still there now. Previous park had rules, but no one was abiding by them, no one was taking care of things. Used trailers are not available very often. Eight (8) tenants are there now; six (6) good and two (2) evicted. One (1) owner in owner occupied Phase I. The company could buy out the individual owner. While doing phases, there will be people still leaving there. The company will give these individuals an opportunity to buy a new trailer.

3. New Business (*continued*)

Attendance: Applicant Andrew Harding, o/b/o Cherry Lane Park, LLC
Keith, (*Last Name not Provided*) Park Management/Owner of Several Sites

Mr. Rocchi provided examples: Thirty foot (30') by fifty six foot (56')
Thirty two foot (32') by seventy foot (70')
Twenty six foot (26') by fifty six foot (56')
By not meeting Code, the company needs a variance to keep costs that makes sense for the tenants there on the lot.

Other Board member concerns: Homes will be owned by individuals and they pay lot fee; concerned how long this project will take to complete, not how retirement estates is setup.

As trailers age out, how will owner dictate how people keep updated?

Town Code requires twenty foot (20') trailers – why and why doesn't new owner follow this?

Suggest study to see what area will support.

Two (2) variances needed

1. Variance for office
2. Variance for width of structure on the lot

Information needed by – December 8, 2023

Income versus cost?

What can sell for?

What does house sell for on Cadet Terrace

Informational Hearing for Andrew Harding, o/b/o Cherry Lane Park, LLC

Adjourned: 8:46 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 to Andrew Harding, o/b/o Cherry Lane Park, LLC, 111 E 14th St, Elmira Heights, NY 14903

Bonnie Balok, Secretary
Zoning Board of Appeals
November 18, 2023

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

5. Old Business

No further discussion.

6. Discussion

No further discussion.

7. Adjournment

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

Meeting adjourned: 8:50 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 to David Adams, o/b/o CLF Enterprises, 111 East 14th Street, Elmira Heights, NY 14903
Minutes to Jesse Schroeder, 481 Beckwith Road, Pine City, NY 14871
Minutes to Andrew Harding, o/b/o Cherry Lane Park, 111 E 14th St, Elmira Heights, NY 14903

Bonnie Balok, Secretary
Zoning Board of Appeals
November 18, 2023

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