



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

MINUTES APPROVED
BY BOARD OF APPEALS
JANUARY 17, 2024

BOARD OF APPEALS

MINUTES

WEDNESDAY, DECEMBER 20, 2023

7:00 PM

SOUTHPORT TOWN HALL

1139 PENNSYLVANIA AVENUE, ELMIRA, NY 14904

PUBLIC HEARINGS (3)

David Adams, o/b/o CLF Enterprises

111 East 14th Street, Elmira Heights, NY 14903

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 - 1170 Sherman Avenue, 1165, 1169 and 1171 Cadet Terrace,
Elmira, NY 14904

Minutes of the public hearings of the Zoning Board of Appeals, Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on December 20, 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
Susan Silvers
Kenneth Wrigley
Kent Collier, Alternate Board Member

Board Members Absent: Belinda Combs
Shawn Crater

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

2. Approval of Minutes of November 15, 2023.

Motion to approve minutes by Ms. Silvers; seconded by Mr. Collier. Minutes of November 15, 2023 were approved. Based upon Mr. Wrigley's absence from the November 15th meeting, Mr. Wrigley abstained from voting.

3. New Business

Public 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

Chairman Faulkner called the meeting to order and advised this is a public 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, 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. Adams advised his client is interested in turning the former school into upscale units consisting of three (3) bedroom, two baths, two (2) bedroom, two (2) baths and single bedroom, single bath based on square footage. Mr. Adams explained there are no wet zones, Sewer and Water Departments stated, no problems, traffic study showed no impact and one concern about Franklin Street area showed negligible or no noticeable impact.

Chairman Faulkner opened the public hearing for comments concerning the 550 Spruce Street project. No comments were provided. Chairman Faulkner made a motion to close the public hearing; seconded by Ms. Silvers; unanimously approved to close the public hearing.

Chairman Faulkner advised the applicant is required to answer four (4) questions regarding the use variance. Mr. Adams provided the following answers to those questions:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial and demonstrated by competent financial evidence.

Mr. Adams: No, loss of \$186,000.

2. The alleged hardship relating to the lot in question is unique and does not apply to a substantial portion of the District or neighborhood in which the lot is located.

Mr. Adams: Yes.

3. The requested use variance, if granted, will not alter the essential character of the district neighborhood in which a lot is located.

Mr. Adams: No.

4. The alleged hardship is not self-created.

Mr. Adams: No.

Chairman Faulkner advised the Board is also required to answer four (4) questions regarding the use variance. The ZBA members provided the following answers to those questions:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial and demonstrated by competent financial evidence.

ZBA members: Yes (4); the building has been vacant for twelve (12) to fifteen (15) years.

2. The alleged hardship relating to the lot in question is unique and does not apply to a substantial portion of the District or neighborhood in which the lot is located.

ZBA members: Yes (4)

3. The requested use variance, if granted, will not alter the essential character of the district neighborhood in which a lot is located.

ZBA members: Yes (4); improvement

4. The alleged hardship is not self-created.

ZBA members: Yes (4)

3. New Business (*continued*)

SEQR questions answered by the ZBA members. Form on file with permanent record. Negative Declaration.
Yes answers-two (2); all others No

Motion made by Ms. Silvers to vote on a variance for 550 Spruce Street, with a “no vote” denying the variance and a “yes vote: granting the variance. Motion seconded by Mr. Wrigley.

Roll called by Secretary Balok: Ms. Silvers-Yes; Mr. Wrigley-Yes; Mr. Collier-Yes; Chairman Faulkner-Yes.
Variance granted.

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

Adjourned: 7:24 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
December 22, 2023

**MINUTES APPROVED
BY BOARD OF APPEALS
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3. New Business (*continued*)

Attendance: Applicant Jesse Schroeder not in attendance.

Mr. Schroeder requested the public hearing be tabled and placed on the agenda for January 2024.

Chairman Faulkner advised the public 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 shall be rescheduled for January 17, 2024. A second legal notice will be required by Mr. Schroeder.

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

Adjourned: 7:25 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
December 22, 2023

**MINUTES APPROVED
BY BOARD OF APPEALS
JANUARY 17, 2024**

3. New Business (*continued*)

Attendance: Applicant Andrew Harding, AIA, o/b/o Cherry Lane Park, LLC
Attorney Bruno, Legal Counsel for Cherry Lane Park, LLC

Chairman Faulkner advised this is a public 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'). Chairman Faulkner explained the ZBA would be looking at three (3) variances tonight. Chairman Faulkner further advised the public portion of this hearing will be limited to three (3) minutes per person.

Mr. Harding explained the barrack-like design of the park might not be a decision of the ZBA. Chairman Faulkner advised the Planning Board will take a look at this. Attorney Dorritie suggested the ZBA make a record of this.

Mr. Harding explained the Mobile Home Park on Sherman Avenue went into disarray, the units were outdated and irreparable to bring up to standards. There were twenty five (25) mobile homes. The proposed layout sixteen (16) units crossing over to Cadet Terrace, five thousand square feet (5,000'), two (2) parking spaces, one hundred eighty feet (180') patio, thirty five foot (35') lot width for each home site. One variance required for office for central bath/laundry facilities and central office. The bath/laundry is not needed because each unit will have its own bath and laundry, as well as a seasonable recreation park. Basically, seeking a variance for not having an office on this park side, don't see the need for an office to maintain license plate numbers. Units will be owned by the people living there. A ten foot (10') by ten foot (10') utility building can be used to post company owning the park and contact information. Mr. Harding read the Code and advised this is not applicable to planned park use.

Attorney Dorritie advised this skirts the line, old section of the Code and interpretation doesn't quite fit the understanding and intent of the Code and how things operate now for an area variance.

Mr. Harding advised the Code addresses barrack layout with existing property, lot is "L" shaped, long and narrow, based on five thousand square feet (5,000') and setback of the lots. The Code discusses an idea of cul-de-sac dealing with four (4) to five (5) units. Not feasible on the current property. Unit size looked at current sales in Southport and this provides an economic housing solution in Southport. Priced so the units are affordable; not renting the units. Looked at Single Wide \$67,000, based on sixteen (16) single wide (homes selling for \$72,000) Looked at Double Wide costing twice as much as \$67,000.

Attorney Bruno advised the company's intension is to buy new units and units less than ten (10) years old for sale. Comparing financing mobile homes, options such as: mobile home park owner gets involved with financing and looking at a national entity that provides financing. The park will be developed in phases.

Mr. Harding explained the cost to purchase a new home in Southport ranges from \$100,000-\$110,000. Examples included: 42 Orchard Park-\$95,000, 33 Dalrymple Avenue-\$125,000 and 219 Shannon Avenue-\$99,900 (two (2) bedrooms, one (1) bath, eight hundred ninety six square feet (896')).

Mr. Collier asked when putting mobile homes in there, would the company allow people to bring in their own mobile home? Mr. Harding advised the mobile home being brought in would have to meet requirements and new or has to be no more than ten (10) years old.

Attorney Bruno advised when the development is completed, there won't be vacant lots to rent. The company plans to purchase new or homes less than ten (10) years old that meet size requirements and time frames to put in a group.

Chairman Faulkner advised the wash basin regulation was part of the original Code. Density Schedule was revised in 1960. Code applies to all sorts of properties in the Town. The Planning Board recommends and the Town Board makes the final decision.

Chairman Faulkner also advised a petition has been submitted by residents (General Statements toward use of the site).

3. New Business (*continued*)

Chairman Faulkner opened up the public hearing for comments regarding two (2) of the area variances sought by the applicant. Decision tonight will concern the barrack-like design of the park and building for bathing/laundry facilities and the density schedule to thirteen (13).

Statements were provided by the following residents:

Mr. Tom Aber, 1155 Sherman Avenue, Elmira, NY 14904. Advised the comparable properties that were used by the company are not really valid because the Pine City properties are not the same as the Sherman Avenue area. Mr. Aber further advised he owns two (2) homes on Sherman Avenue, paid \$61,000 (828 square feet). Mr. Aber explained he is a contractor, his home cost \$45,000 on Sherman Avenue and three (3) years ago the home was assessed for \$70,000, other home assessed at \$61,000. Compared it to a different type of neighborhood.

Ms. Linda Durfee, 1201 Cadet Terrace, Elmira, NY 14904. Advised there are three (3) trailers on the lot next to her home. If the fence is taken down, she and other neighbors will look at all the trailers there and she doesn't want to look at three (3) trailers. All the houses on Cadet Terrace are nice, the owners put a lot of money into their homes, and three (3) trailers on an empty lot will look bad.

Ms. Sharon Pierce, 1200 Cadet Terrace, Elmira, NY 14904. Advised she has lived there since 1985 and raised two (2) children. If the fence is taken down that just won't work to have to look at the trailers. No people will want to live there. If the company can't sell the trailers they will rent. Also, her neighbors will move. Ms. Pierce asked why the company can't sell the whole lot and build a nice home there. The trailers there now, in twenty years (20), will be back where they were. The street is quiet and has respectful neighbors. Only problems come from the trailer park.

Ms. Karen Clark, 1149 Sherman Avenue, Elmira, NY 14904. Advised there are five (5) new trailers in the clean out. Should all be demolished and clean up all at one time.

Ms. Jacqueline Cole, 1170 Sherman Avenue, Elmira, NY 14904. Advised she owns one of the trailers there now and is looking forward to purchasing a new trailer. She also advised she is not sure about the price, like it to be lower, but new owners want to do things right. Three (3) individuals on the site own trailers and are looking forward to purchasing new trailers. Ms. Cole explained she keeps the outside of her trailer looking good, just like others who have homes. There have been problems in the past, but since the new owners took over it is quiet, no drugs, no police, and a nice place to live there now. Ms. Cole advised she is sick of hearing all negativity; we are all over the age of fifty five (55), some seventy (70) or eighty (80); no problems there now.

Chairman Faulkner read the petition received December 20, 2023, containing thirty four (34) objections to the proposal. Chairman Faulkner made a motion to close the public hearing; Ms. Silvers seconded the motion. Unanimously Approved. Public hearing closed.

Chairman Faulkner explained the matters the ZBA is looking at tonight.

First Matter: Design of Park-not barracks-like in nature. Chairman Faulkner made a motion to Defer to the Planning Board, seconded by Mr. Wrigley. Roll Called: Unanimous Yes---Deferred to the Planning Board-Town of Southport.

Second Matter: Service building for bathing and laundry and office on premises
Applicant is required to answer five (5) questions for an area variance.

Mr. Harding commented that some homes in 1960 didn't have laundries and provided the following answers to the five (5) questions:

1. 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 granting of the Area Variance.

Mr. Harding: No.

2. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

Mr. Harding: No.

3. New Business (*continued*)

3. Whether the requested Area Variance is substantial.

Mr. Harding: No.

4. Whether the proposed Area Variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or District.

Mr. Harding: No.

5. 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.

Mr. Harding: No.

ZBA is required to answer five (5) questions for area variance.

ZBA members provided the following answers to the five (5) questions:

1. 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 granting of the Area Variance.

ZBA Members: No (4).

2. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

ZBA Members: No (4).

3. Whether the requested Area Variance is substantial.

ZBA Members: No (4).

4. Whether the proposed Area Variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or District.

ZBA Members: No (4).

5. 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.

ZBA Members: No (4).

Chairman Faulkner made a motion to Waive the Bathing and Laundry Facilities; seconded by Ms. Silvers. Roll Called: Unanimous Yes.

Attorney Dorritie advised Type 2 actions-Bath/Laundry Facilities Schedule Section 9. Type 2 not additional, size of each one Type 2, meeting five (5) conditions, additional SEQR not required. Type 2 action not requiring SEQR.

Ms. Silvers made a motion to vote on the area variance for the applicant with a “no vote” denying the variance and a “yes vote” granting the variance with the condition: Emergency Contact Information for contacting management will be listed on the Utility Room for water service. Wave requirement for bathing and laundry facilities and office with condition this is a Type 2 action not requiring a SEQR; seconded by Mr. Wrigley.

Secretary Balok called the roll: Ms. Silvers-Yes; Mr. Wrigley-Yes; Mr. Collier-Yes; Chairman Faulkner-Yes
Variance waving bathing/laundry facilities and office providing the main management contact information is listed in the common area.

Third Matter: Exterior length and width of a structure shall not be less than twenty feet (20’).
Applicant is seeking thirteen feet (13’).

Applicant is required to answer five (5) questions for an area variance.

3. New Business (*continued*)

1. 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 granting of the Area Variance.

Mr. Harding: No. Existing units are that wide or narrower.

2. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

Mr. Harding: No.

3. Whether the requested Area Variance is substantial.

Mr. Harding: No.

4. Whether the proposed Area Variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or District.

Mr. Harding: No. Would be an improvement.

5. 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.

Mr. Harding: No. Density revised in 2016-2018.

Discussion by ZBA members:

Concern about doing a little bit at a time, little corner here, little corner there, may end up with what it looked like before. Presented lovely pictures showing what this might look like, there are fourteen foot (14') wide some have one thousand square footage (1,000'), so if there are a few less twenty foot (20') wide less trailer, if they can't tear it all out and rebuild going to end up with mess, lot rent, cost of someone to live there, probably going to end up being rentals, people owning something take more interest in taking care of it and abide by rules. Twenty foot (20') rule was put there for a reason, exceptions can be made under the right circumstances, lots of difference between single and double wide. The difference between thirteen foot (13') and twenty foot (20') is substantial. Without knowing this is going to be feasible, not going to have bits at a time, do project right away, clean it all out and build back better; all at once, if done all at once, existing tenants would be in the first stage.

Attorney Bruno advised single/double means one (1) less site to make the difference economically feasible; can't sell double wide; can't put a double wide price and have it be higher than what they can pay for a home. Brand new home for less than \$100,000; Double wide does make it feasible to buy. Have ownership more care for property than a rental. Ownership is an investment. Not doing one (1) unit here and one (1) unit there; doing one-half (1/2) than one-half (1/2). Doing this in phases, not one (1) unit and then one (1) unit.

Chairman Faulkner advised the ZBA is looking at one (1) item of this project; grant relief, structure length and width applicant requesting thirteen feet (13') from twenty feet (20'). Focus on Density Schedule such as Planning Board and Town Board, would we allow thirteen feet (13') structure when regulations state twenty feet (20')? Based on the answers this is how we decide.

ZBA is required to answer five (5) questions for area variance.

ZBA members provided the following answers to the five (5) questions:

1. 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 granting of the Area Variance.

ZBA Members: No (4).

2. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

ZBA Members: No (3). Yes (1-Silvers)

3. Whether the requested Area Variance is substantial.

ZBA Members: Yes (4).

3. New Business (continued)

4. Whether the proposed Area Variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or District.

ZBA Members: No (4).

5. 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.

ZBA Members: No (1-Collier) Yes (3).

Chairman Faulkner advised based on the answers above is how we decide.

Majority-----Yes for Question 5

Unanimous-----Yes for Question 3

Unanimous-----No for Question 4 and Question 1

Split-----No (3); Yes (1) for Question 2

Ms. Silvers made a motion to deny the area variance to reduce a structure from twenty feet (20') to thirteen feet (13') with a "no vote" denying the variance and a "yes vote" granting the variance; Chairman Faulkner seconded the motion.

Secretary Balok called the roll: Ms. Silvers-No; Mr. Wrigley-No; Mr. Collier-No; Chairman Faulkner-No.

Variance to Reduce Density Schedule from twenty feet (20') to thirteen feet (13') denied.

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

Adjourned: 8:45 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

4. Old Business

Table Jesse Schroeder Public Hearing to January 17, 2024, 7:00 pm.

Re: 481 Beckwith Road, Pine City, NY Area Variance: Wood Burning Furnace

5. Discussion

No further discussion.

6. Adjournment

Chairman Faulkner made a motion to adjourn; Mr. Wrigley seconded the motion. Unanimously approved.

Meeting adjourned: 8:46 pm

Bonnie Balok, Secretary
Zoning Board of Appeals
December 22, 2023

MINUTES APPROVED
BY BOARD OF APPEALS
JANUARY 17, 2024

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

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

**RESOLUTIONS
2023**

Resolution No. 6

USE VARIANCE GRANTED

PROPERTY:	TAX MAP NO. 99.14-1-49.2 COMMONLY KNOWN AS 550 SPRUCE STREET	ZONED: R2 ELMIRA, NY 14904
APPLICANT:	DAVID ADAMS, O/B/O, CLF ENTERPRISES 111 EAST 14 TH STREET	ELMIRA HEIGHTS, NY 14903
OWNER:	KING DONG (<i>NO ADDRESS LISTED</i>) TO BE PURCHASED BY COTY FERRIS, CLF ENTERPRISES 2733 WHITE OAKS DRIVE	CORNING, NY 14830
RESOLUTION:	SILVERS	SECONDED: WRIGLEY

WHEREAS, David Adams, o/b/o CLF Enterprises, 111 East 14th Street, Elmira Heights, NY 14903, applied for a use variance to develop a multi-unit residential apartment complex in the existing Hopkins Street School building and a multiunit dwelling is not an allowable use in R2 zone as per the Use Regulation Table-Sections 525-20 at 550 Spruce Street, Elmira, NY 14904 in a R2 Zone, as per Town Code, Town of Southport, County of Chemung. The property is located in a R2 zone and is commonly known as 550 Spruce Street, Elmira, NY 14904, Tax Parcel, 99.14-1-49.2, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a hearing on December 20, 2023 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, to consider the granting of the use variance, with no public comments for or against the project, and

WHEREAS, based upon deliberation, consideration and discussion, the members of the Zoning Board of Appeals were of the opinion the use variance could be granted to allow for develop a multi-unit residential apartment complex in the existing Hopkins Street School building, at 550 Spruce Street, Elmira, NY 14904, and

NOW THEREFORE BE IT RESOLVED the use variance is granted to David Adams, o/b/o CLF Enterprises, 111 East 14th Street, Elmira Heights, NY 14903 with respect to 550 Spruce Street, Elmira, NY 14904, Tax Map 99.14-1-49.2 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 area variance will render the variance null and void.

Yes-Grant Variance:	Ms. Silvers, Mr. Wrigley, Mr. Collier and Chairman Faulkner
No-Deny Variance	None
Absent:	Ms. Combs and Mr. Crater
Carried.	
December 20, 2023	

**APPROVED BY BOARD OF APPEALS
JANUARY 17, 2024**

Resolution No. 7

**AREA VARIANCE FOR DESIGN OF PARK; NOT BARRACKS-LIKE IN NATURE
DEFERRED TO THE PLANNING BOARD, TOWN OF SOUTHPORT**

PROPERTY: TAX MAP NO. 109.08-1-65, 84, 85, 87 ZONED: R3
COMMONLY KNOWN AS
1170 SHERMAN AVENUE,
1165, 1169, 1171 CADET TERRACE ELMIRA, NY 14904

APPLICANT: ANDREW HARDING, O/B/O, CHERRY LANE PARK, LLC
111 EAST 14TH STREET ELMIRA HEIGHTS, NY 14903

OWNER: CHERRY LANE PARK, LLC
CONTACT LISTED: RON FISH
707 WEST CHESTER AVENUE, WHITE PLAINS, NY 10604
P: 518-464-0640 E: ronfish107@aol.com

RESOLUTION: FAULKNER SECONDED: WRIGLEY

WHEREAS, Andrew Harding, o/b/o CLF Enterprises, 111 East 14th Street, Elmira Heights, NY 14903, applied for an area variance to develop the design of a mobile home park not to be barracks-like in nature on property listed as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904 in a R3 zone. As per Town Code Section 352-12 (l), Town of Southport, County of Chemung regulations in R3 at 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904 in a R3 zone property regulations addresses barracks-like in nature. The property is located in a R3 zone and is commonly known as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904, Tax Parcel 109.08-1-65, 84, 85, 87, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a hearing on December 20, 2023 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, to consider the granting of the area variance concerning mobile home park design, with three (3) residents voicing concern and comments against the project and one (1) resident voicing support for the project, and

WHEREAS, based upon deliberation, consideration and discussion, the members of the Zoning Board of Appeals were of the opinion the area variance concerning the design of the park not to be barracks-like in nature will be deferred to the Planning Board of the Town of Southport, and

NOW THEREFORE BE IT RESOLVED the area variance concerning the design of the park not to be barracks-like in nature will be deferred to the Planning Board of the Town of Southport, and the building inspector is not authorized to issue a permit for said use of the property commonly known as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904, Tax Parcel 109.08-1-65, 84, 85, 87.

Yes-Defer to Planning Board, Town of Southport:
No- Defer to Planning Board, Town of Southport
Absent:
Carried.
December 20, 2023

Ms. Silvers, Mr. Wrigley, Mr. Collier and Chairman Faulkner
None
Ms. Combs and Mr. Crater

**APPROVED BY BOARD OF APPEALS
JANUARY 17, 2024**

Resolution No. 8

AREA VARIANCE REGULATION TO PROVIDE A SERVICE BUILDING FOR BATHING/LAUNDRY FACILITIES AND OFFICE ON PREMISES – WAIVED WITH STIPULATED CONDITION LISTED BELOW

PROPERTY: TAX MAP NO. 109.08-1-65, 84, 85, 87 ZONED: R3
COMMONLY KNOWN AS
1170 SHERMAN AVENUE,
1165, 1169, 1171 CADET TERRACE ELMIRA, NY 14904

APPLICANT: ANDREW HARDING, O/B/O, CHERRY LANE PARK, LLC
111 EAST 14TH STREET ELMIRA HEIGHTS, NY 14903

OWNER: CHERRY LANE PARK, LLC
CONTACT LISTED: RON FISH
707 WEST CHESTER AVENUE, WHITE PLAINS, NY 10604
P: 518-464-0640 E: ronfish107@aol.com

RESOLUTION: SILVERS SECONDED: WRIGLEY

WHEREAS, Andrew Harding, o/b/o CLF Enterprises, 111 East 14th Street, Elmira Heights, NY 14903, applied for an area variance to provide for a service building for bathing/laundry facilities and an office on property listed as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904 in a R3 zone. As per Town Code Section 352-12 (l), Town of Southport, County of Chemung regulations in R3 at 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904 in a R3 zone property regulations addresses service building for bathing/laundry facilities and an office. The property is located in a R3 zone and is commonly known as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904, Tax Parcel 109.08-1-65, 84, 85, 87, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a hearing on December 20, 2023 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, to consider the granting of the area variance regulation for a service building for bathing/laundry facilities and an office on property listed as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904 in a R3 zone, with no comments for or against a service building for bathing/laundry facilities and an office, and

WHEREAS, based upon deliberation, consideration and discussion, the members of the Zoning Board of Appeals were of the opinion the area variance concerning a service building for bathing/laundry facilities and an office could be waived thus granting the area variance to no longer require bathing/laundry facilities as bathrooms and laundries are included in all mobile home units. The waiver is based on one stipulated condition: The project will include a utility room for water service with the main management contact information for the company to be posted on the common area building listing company name and contact details, further this is a Type 2 action not requiring a SEQR, and

NOW THEREFORE BE IT RESOLVED the area variance concerning providing a service building for bathing/laundry facilities and an office are hereby waived, based upon the stipulation listed above, and the building inspector is authorized to include this into any permit issued for use of the property commonly known as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904, Tax Parcel 109.08-1-65, 84, 85, 87.

Yes-Waive Requirement to Provide a Service Building
Waive Requirement to Provide a Service Building
No- Waive Requirement to Provide a Service Building
Waive Requirement to Provide a Service Building

Ms. Silvers, Mr. Wrigley, Mr. Collier and Chairman Faulkner
None
Ms. Combs and Mr. Crater

Absent:
Carried.
December 20, 2023

**APPROVED BY BOARD OF APPEALS
JANUARY 17, 2024**

Resolution No. 9

AREA VARIANCE REGULATION TO PROVIDE EXTERIOR LENGTH AND WIDTH OF A STRUCTURE SHALL NOT BE LESS THAN TWENTY FEET (20'), AS PER SECTION 525-24 (NOTE 1)

AREA VARIANCE TO REDUCE DENSITY SCHEDULE - DENIED

PROPERTY: TAX MAP NO. 109.08-1-65, 84, 85, 87 ZONED: R3
COMMONLY KNOWN AS
1170 SHERMAN AVENUE,
1165, 1169, 1171 CADET TERRACE ELMIRA, NY 14904

APPLICANT: ANDREW HARDING, O/B/O, CHERRY LANE PARK, LLC
111 EAST 14TH STREET ELMIRA HEIGHTS, NY 14903

OWNER: CHERRY LANE PARK, LLC
CONTACT LISTED: RON FISH
707 WEST CHESTER AVENUE, WHITE PLAINS, NY 10604
P: 518-464-0640 E: ronfish107@aol.com

RESOLUTION: SILVERS SECONDED: FAULKNER

WHEREAS, Andrew Harding, o/b/o CLF Enterprises, 111 East 14th Street, Elmira Heights, NY 14903, applied for an area variance to for an exterior length and width of a structure shall not be less than twenty feet (20') on property and applicable to 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904, as per Town Code Section 525-24 (Note 1), Town of Southport, County of Chemung regulations. The request is to reduce the Density Schedule from twenty feet (20') to thirteen feet (13'). The property is located in a R3 zone and is commonly known as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904, Tax Parcel 109.08-1-65, 84, 85, 87, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a hearing on December 20, 2023 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, to consider the granting of the area variance for an exterior length and width of a structure shall not be less than twenty feet (20') on property and applicable to 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904 in a R3 zone. The request is to reduce the Density Schedule from twenty feet (20') to thirteen feet (13') with no public comments for or against the variance request, and

WHEREAS, based upon deliberation, consideration and discussion, the members of the Zoning Board of Appeals were of the opinion the area variance concerning the exterior length and width of a structure shall not be less than twenty feet (20') shall be denied. The request to reduce the Density Schedule from twenty feet (20') is denied, and

NOW THEREFORE BE IT RESOLVED the area variance concerning exterior length and width of a structure shall not be less than twenty feet (20') and the request for reduction is denied. The building inspector is not authorized to issue a building permit allowing a structure less than twenty feet (20') on the property commonly known as 1170 Sherman Avenue, and 1165, 1169, 1171 Cadet Terrace, Elmira, NY 14904, Tax Parcel 109.08-1-65, 84, 85, 87.

No-Request to Reduce the Density Schedule
from Twenty Feet (20')

Ms. Silvers, Mr. Wrigley, Mr. Collier and Chairman Faulkner

Yes-Request to Reduce the Density Schedule
from Twenty Feet (20')

None

Absent:

Ms. Combs and Mr. Crater

Carried.

December 20, 2023

**APPROVED BY BOARD OF APPEALS
JANUARY 17, 2024**