

**TOWN OF BIG FLATS  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
JUNE 23, 2015**

Town Hall  
Meeting Room  
7:00pm

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Members Present: Don Williams, Richard Seely, Heather Hanson, Dave Robinson, Diane Lantz

Members Absent: None

Staff Present: Timothy Gilbert, Brenda Belmonte

Guests: Martin Marino, Jamie Gensel

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Minutes

January 27, 2015

**Motion by Seely, seconded by Robbins to approve the minutes of January 27, 2015, Discussion, None, Motion Carries 5-0.**

**RESOLUTION ZBA-2015-2  
Simmons Rockwell - Sign Variance  
Tax Parcel # 57.03-1-5**

Resolution by: Seely  
Seconded by: Robbins

**WHEREAS**, the Zoning Board of Appeals of the Town of Big Flats received an application from Simmons Rockwell, owner of tax parcel #57.03-1-5, for relief from Section 17.52 of the Town of Big Flats Zoning Law, Signs; and

**WHEREAS**, the Town of Big Flats Planning Board returned the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation the board grant said variance; and

**WHEREAS**, this board shall forward the request to the Chemung County Planning Board for their review and recommendations; and

**WHEREAS**, the Town of Big Flats Code Enforcement staff provided a staff report dated May 8, 2015; and

**WHEREAS**, the variance request as submitted is to increase the “number of freestanding signs permitted for a parcel”, by adding a third (49.91sf) freestanding sign; and

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Zoning Board of Appeals of the Town of Big Flats has conducted an uncoordinated review as lead agency; and

**WHEREAS**, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report dated May 8, 2015, pertaining to the review and evaluation of the proposed action; and

**WHEREAS**, this board has evaluated potential impacts to public health, safety and general welfare; and

**WHEREAS**, on the basis of materials submitted by the applicant, this board finds criteria #1, BFZL 17.60.120-B, to pass; and

**WHEREAS**, on the basis of materials submitted by the applicant, this board finds criteria #2, BFZL 17.60.120-B, to pass; and

**WHEREAS**, on the basis of materials submitted by the applicant, this board finds criteria #3, BFZL 17.60.120-B, to pass; and

**WHEREAS**, on the basis of materials submitted by the applicant, this board finds criteria #4, BFZL 17.60.120-B, to pass; and

**WHEREAS**, on the basis of materials submitted by the applicant, this board finds criteria #5, BFZL 17.60.120-B, to pass; and

**NOW THEREFORE BE IT RESOLVED**, this board hereby schedules a public hearing to be held on July 28, 2015;

**FURTHER RESOLVED**, the Zoning Board of Appeals of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant impact on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

Request to be considered:     **AYES:** Williams, Seely, Hanson, Robinson, Lantz

**NAYS:**

**ABSTAINED:**

Dated: Tuesday, June 23, 2015  
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats  
Don Williams

**RESOLUTION ZBA-02-2015**

**Elmira Fitness Center – Area (Height) Variance/ Preliminary  
Tax Parcel #**

Resolution by: Robbins  
Seconded by: Seely

**WHEREAS**, the Town of Big Flats Zoning Board of Appeals received a request for an Area Variance (height) on May 15, 2015; and

**WHEREAS**, the Town of Big Flats Planning Board forwarded the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a favorable recommendation; and

**WHEREAS**, the Town of Big Flats Planning Staff provided a staff report dated June 16, 2015; and

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Zoning Board of the Town of Big Flats has referred to the Chemung County Planning Board as an involved agency; and

**NOW THEREFORE BE IT RESOLVED**, this board hereby schedules a public hearing to be held on Tuesday July 2, 2015;

**FURTHER RESOLVED**, this board shall consider the Area Variance Request by Elmira Fitness Center 3162 Lake Rd. Horseheads, NY to provide 5'ft 6'in. relief from BFZL 17.16.020(A)(1), Maximum Allowable Height 35'.

Dated: Tuesday, June 23, 2015  
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats  
Don Williams  
Chairman, Zoning Board of Appeals

The applicant is requesting approval to build to a maximum height of 42', which exceeds the allowable maximum height by 7'. This would reduce the footprint and make use of a mezzanine. It would also reduce the cost of building to the applicant.

Williams asked if the request was due to contractor cost.

Gensel replied yes, along with having a slightly smaller overall footprint. The second floor would consist of office space and an exercise area.

Gilbert noted that it would require an elevator – the applicant might not actually be saving once all is said and done.

Gensel agreed – they have not yet decided on a final plan, but want to get this approval so as not to hold up the process.

In review of the criteria, Gilbert noted that this would be considered a substantial request as it is more than 20%.

Hanson feels that this is different than the previous soccer facility request because the reason given is cost.

**Motion by Robbins to adjourn at 7:20pm, seconded by Hanson, Discussion, None, Motion Carried 5-0.**

Adjourned at 7:21pm