



(SEQR) is required for all use variance applications and the Chairman reads through the eleven questions on part 2 of the short-form SEQR. The Board has acknowledged that there will be no environmental impact with respects to this application.

**MOTION** by Pete Peterson to make a Negative Declaration for part two the State Environmental Quality Review (SEQR) for 101-A Morningside Dr.

Second by Scot Gerould

*Ayes:* Gerould, Peterson, Longwell, Moffe and Sullivan

*Nays:* none

**MOTION** by Scot Gerould to accept the State Environmental Quality Review (SEQR) for 101-A Morningside Dr.

Second by Chris Longwell

*Ayes:* Gerould, Peterson, Longwell, Moffe and Sullivan

*Nays:* none

Chairman Sullivan then reiterates to the board that Use Variances are subject to the criteria established by New York State and incorporated by the Town of Elmira in section 217-107 of the Code of the Town of Elmira. He then reads the four requirements to demonstrate an unnecessary hardship.

- (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial and demonstrated by competent financial evidence;
- (2) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
- (3) The requested use variance, if granted will not alter the essential character of the neighborhood; and
- (4) The alleged hardship is not self-created.

The Board concurs that the financial document provided by the applicant is sufficient evidence that the applicant cannot realize a reasonable return. The alleged hardship is unique and does not apply to a substantial portion of the neighborhood, will not alter the essential character of the neighborhood, and the hardship was not self-created. The Chairman then asks for a motion to either approve or deny the use variance.

**MOTION** by Scot Gerould to grant a Use Variance for a Longarm Quilting establishment at 101-A Morningside Dr.

Second by Chris Longwell

*Ayes:* Gerould, Peterson, Longwell, Moffe and Sullivan

*Nays:* none

Chairman Sullivan asks if there is any new business to be discussed. Mr. Crandall notes that an Area Variance application has been received and, due to the applicant's availability, that application is scheduled to be heard on May 28, 2024. The Chairman then asks if there is any old business to discuss and hearing none asks for a motion to adjourn.

**MOTION** by Pete Peterson to adjourn the meeting.

Second by Chris Longwell

*Ayes:* Gerould, Peterson, Longwell, Moffe and Sullivan

*Nays:* none

Meeting adjourned at 7:20 pm EST.