

Town of Elmira
New York
ZONING BOARD OF APPEALS
MINUTES

Meeting January 28, 2025 7:00 pm EDT

PRESENT: Members: Joe Sullivan
 Scot Gerould
 Peter Peterson
 Chris Longwell
 Jennifer Moffe

ALSO PRESENT: Eric Crandall, Code Enforcement Officer
 Scott Moore, Town Attorney

Eric Crandall opens the organizational meeting at 7 PM and calls the roll where all members were present. Mr. Crandall remarked that as the first meeting of the Zoning Board of Appeals in 2025, an organizational meeting must be conducted and accordingly, a chairman must be appointed. He asks members for a motion to make a nomination.

MOTION by Pete Peterson to appoint Joe Sullivan as **Chairman**
 of the ZBA for the year 2025
 Second by Scot Gerould
 Ayes: Gerould, Peterson, Longwell, Moffe and Sullivan
 Nays: none

Mr. Crandall then asks for a nomination for Vice Chairman.

MOTION by Joe Sullivan to appoint Peter Peterson as **Vice Chairman** of
 the ZBA for the year 2025
 Second by Scot Gerould
 Ayes: Gerould, Peterson, Longwell, Moffe and Sullivan
 Nays: none

Mr. Crandall asks members to ratify the meeting date and time.

MOTION by Joe Sullivan to set the meeting date as the **fourth Tuesday**
 of the month when there is business to be heard and that the
 meeting time shall be **7:00 o'clock in the evening** to be held at
 Town Hall located at **1255 W. Water St, Elmira, NY 14905**
 Second by Peter Peterson
 Ayes: Gerould, Peterson, Longwell, Moffe and Sullivan
 Nays: none

Mr. Crandall asks for recommendations for the publisher of record and the consensus is the Elmira Star Gazette.

MOTION by Chris Longwell to make the **Elmira Star Gazette** the publisher of communications from the ZBA.

Second by Scot Gerould

Ayes: Gerould, Peterson, Longwell, Moffe and Sullivan

Nays: none

Having completed the organizational meeting, Mr. Crandall passes duties on to Chairman Sullivan to begin the regular meeting.

Mr. Sullivan then asks the members if they had any corrections to the minutes of the ZBA meeting of June 25, 2024 and if no corrections, a motion to approve.

MOTION by Scot Gerould to approve the minutes of the June 25, 2024 ZBA meeting.

Second by Chris Longwell

Ayes: Gerould, Peterson, Longwell, Moffe and Sullivan

Nays: none

Chairman Sullivan mentions the recent court case from the New York State Appellate Division regarding solar companies being recognized as a Public Utility and that public utilities have a less stringent burden when seeking a variance. It is noted that applicants seeking a use variance must prove unnecessary hardship through four statutory criteria. The public utility test only has to satisfy that, 1.) the relief is a public necessity and; 2.) Compelling reasons make it more feasible to seek the variance rather than pursue an alternative location.

Attorney Moore states that the referenced case law could have an impact on this board at some point considering the influx in renewable energy applications the Town has received.

Chairman Sullivan asks if there is any other business up for discussion and hearing none asks for a motion to adjourn.

MOTION by Jennifer Moffe to adjourn the meeting.

Second by Peter Peterson

Ayes: Gerould, Peterson, Longwell, Moffe and Sullivan

Nays: none

Meeting adjourned at 7:10 pm EST.

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