

**CHEMUNG COUNTY PLANNING BOARD MEETING
DISCUSSION/MOTIONS
OCTOBER 22, 2015**

**A. TOWN OF HORSEHEADS – Approval of Site Plan - Bohler
Engineering MA, LLC/Primax Properties**

DISCUSSION: Olthof reported that the property is located on the south side of SR 223 in the Hamlet of Breesport. We saw this property at a prior meeting when there was a proposal to modify the zoning classification of parts of the property that were in a Residential classification in the rear sections and the frontage was in a Business classification. The Town has extended out the business zone portion to accommodate this whole development site. What's proposed now is a 9,003 square foot retail building. The actual construction is about 1.5 acres in size. The client that would be served would be the Dollar General Company. You have in your package a picture of the general location of the property. It is neighbored by other businesses. The Dandy Minimart store is located to the east side of it. The former school property to the west. There are a couple of businesses on the other side of SR 223. It is not a very complicated development plan. It would entail the construction of a retail building, sufficient parking spaces for customers at the site, and a new drive entrance and egress on New York State Route 223. They are going to require permission from NYSDOT for the proposed new entranceway. If there's going to be anything that will bring any additional water into play on New York State right-of-way or the roadway, that will be a concern that they will have to address to get NYSDOT approval for what they are proposing. The one other issue that we can see involves delivery truck movements within the proposed customer parking area. It looks like they are going to have to do a turn movement that brings them into the property through the customer parking area and then back past the cars on the west side of the building. They do not have a lot of other room to work with. They wouldn't be allowed to back up on SR 223. A. Avery said he did not know why they'd have to maneuver that way. Either way they're going to have to have a flag person. Why not just back in off the highway so they could pull straight out. Olthof asked if that would be acceptable to NYSDOT. A. Avery noted that it is done all the time. You're going to have to have a flagger anyway. Olthof reported that the new retail store would be served by a new well and a new on-site septic system for wastewater disposal. We see

no other real issues on it. We would recommend favorable action on the site plan by the Town Planning Board subject to satisfaction of any applicable requirements specified by NYSDOT or the County Health Department. The applicants' stormwater management plan will have to be approved as well. R. Lewis called for a motion.

MOTION: Made by Anthony Pagano, seconded by Joseph Peters recommending favorable action by the Town Planning Board subject to satisfaction of any applicable requirements specified by NYSDOT or the County Health Department for the sewer and water, and approval of their storm water plan, along with Andrew Avery's comments advising of the need for a flagger to alert pedestrians and drivers/cars of the truck backing up. Members in favor, all; opposed, none. Motion carried.

**B. TOWN OF SOUTHPORT – Zoning Ordinance Amendments
– Town of Southport**

DISCUSSION: Olthof reported that this is a collection of actions under consideration by the Town of Southport. We took this referral up initially last month and tried to summarize some of the main actions under consideration by the Town. We weren't really able to get into the particular details. I know that there were a few questions that were raised by our members like stream buffer requirements; the question of whether green infrastructure would be required for all new development. Things of that nature. We contacted the Town to see if we could get an overview presentation. They have contacted Hunt Engineers and we do have a representative today here who can give you a synopsis of what's under consideration and hopefully answer any questions that you individually have about what they are doing. He advised that everyone should have most of the materials already. He distributed materials as well in case it had not all been received by the Board. He noted that there had been changes in the zoning map. He indicated that on the very last page of the summary sheets are changes we have made. M. Yunis asked if it were in our packet to which Paul Leonhardt answered that the map is in the package. He advised that there is one last page in those notes which is an update of the public comment received. He gave a brief introduction: I represent Hunt Engineers. We are doing this in conjunction with Elan Planning and the Town of Southport's zoning review committee. The Town successfully obtained NYSERDA funding via a Cleaner Greener

Communities grant. It originally was intended for the central areas and Bulkhead areas around Pennsylvania Avenue. The Town extended the scope at some point of the project to go into some issues planning and zoning board had with the ordinance. The proposed zoning changes are based on the comprehensive plan that was adopted by the Town in 2014. So we had a new document to work with. We had a steering committee of Planning Board, Town Board members and two residents. We had the final public hearing in September. We had good attendance with about 50 residents of the Town of Southport. They were mostly supportive. In the Rural zone residents are concerned about maintaining the rural character. They moved out to be in a quiet setting. On the other hand the Town wants to make it possible to start new business on their properties. So this was a lot of what came up in the public hearing. Comments about contractor storage yards. The steering committee came up with a good compromise on the issue. You received a summary of the changes. There were changes in CN and CR districts where we included a hybrid code, a form based code and a used based code to allow for incorporating mixed uses to make it easier for people to build to higher densities in those areas. In addition we made some changes to the zoning map and some of it was to correct mistakes that were in the map before. Some parcels were split into several districts and we unified that. We eliminated two districts within the RT District that was sparsely used before. We rezoned those parcels CN. We eliminated the PSHOD and the PMR Districts in place of the PDD District which is a more commonly used designation. The public input period has been open about a month now; we received some comments at the public hearing in September at Chapel Park. In addition we received comments via e-mail. Some issues that came up that you already have addressed are stream buffers. We discussed it with Janet Thigpen of STC and she gave comments on that issue. In addition we included shared parking language. If you combine parking for an office use which requires most of its parking during the day time and the residential component which required most of its parking at night. But this makes it easier for the developer. Other things that came up were in the Conservation District are going to be a bit more protected now. There will be site plan review for any use in the Conservation District. And the Conservation District pretty much is Town of Southport covers the flood plain. The intent behind that is to keep structures out of there. So, before we had recreational uses allowed for example, but there wasn't really anything in there to keep structures out but the goal is to keep the flood plain free of

obstructions. Steep slope districts and bridges reduced to 15% just because the value of 25% in there before was not really applicable for the Town of Southport. Fifteen percent seems to be a better measure to remove impacts on soil erosion and similar issues. One major issue was for the bulk and density table. The Zoning Board and Town of Southport had criticized the Planning Board for having too much latitude in negotiations with developers. If you have a good Planning Board that can negotiate with a developer; you can get the development that allows for efficient use of the parcel but is also protective of the surrounding properties. The Zoning Board was raising the issue that you might not always have a good Planning Board and so to provide setbacks for each district there instead of the per site plan review. R. Lewis asked if the changes you initiated, is that what NYSERDA drives for, their requirements to which Paul Leonhardt replied that they are pretty hands off in this process. You have to provide a quarterly progress report on how it is. There are no requirements that need to be included. R. Lewis said they just want communities to have some kind of a plan I'm guessing. Olthof said they are not interjecting objectives. R. Lewis said you said something about green communities and that is what I was trying to get a hand around. The NYSERDA grant only pays for the changes in the CN and CR District to encourage higher densities and to encourage mixed use. Paul Leonhardt said the Planning Board is asking for a wider variety of tools as well. This was the impetus for the Special Use Permit which would be included among the zoning tools. They did not feel that they quite had the tools to shape development proposals. R. Lewis asked Olthof if there were any proposed changes that affect the County's interests. There is nothing we see overly objectionable with countywide interests. Olthof said that there is nothing that seems unharmonious with the county's objectives. I think they recognize the needs to protect certain assets of the community. Avoid problems like putting structures in flood plains. At the same time make it possible for the community to shape things like their commercial hubs. So, I think on balance it seems to be a very positive step by the Town not in conflict with any obvious county or intercommunity interest either. Some of these features may be kind of instructive or a good model even for other communities like the city as they go through their plan update process. We would be inclined to recommend favorable action on these amendments by the Town of Southport, subject to any final recommendations that come in either through the public hearing process or other agencies or surrounding communities. R. Lewis noted that we have a motion for

approval with any future recommendations or comments that are forthcoming. Olthof said that would be our recommendation and you would need a motion for that.

MOTION: Made by Mary Jo Yunis, seconded by Andrew Avery recommending favorable action on the proposed zoning ordinance amendments by the Town of Southport, subject to any final recommendations that come in either through the public hearing process or from other agencies or surrounding communities. Members in favor, all; opposed, none. Motion carried.

**CHEMUNG COUNTY PLANNING BOARD MEETING
ATTENDANCE
OCTOBER 22, 2015**

ATTENDANCE:

Members:

**Andrew Avery
Robert Lewis
Joseph Peters
Daniel Manuel
Anthony Pagano
Mary Jo Yunis
Douglas Brackley
Henry Dalrymple**

Others:

**Randy Olthof, Pl. Commis.,
Scott Shaw Associate Pl. I
Nanette Moss, Secretary
Paul Leonhardt, Hunt Engrs.,
rep. T. of Southport, Ord.
and Zng. Map Amdmts.,
summary presentation**

Absent:

Ronald Panosian