



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD MEETING MINUTES

Monday, May 2, 2016
Regular Meeting

Minutes of a regular meeting of the Town of Southport Planning Board held at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on Monday, May 2, 2016 at 7:00 p.m.

Board Members Present: Larry Berman
Jacquelyn French
John Hastings, Alternate Board Member
Chris Parsons
Michael Stephens, Chairman Stephens
Linda Taft

Board Members Absent: Tim Steed, Vice Chairman
Linda Olthof

Others Present: Steven Barnstead, Town Attorney
Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Kathy Szerszen, Deputy Town Supervisor

Chairman Stephens called the meeting to order at 7:00 p.m. He asked if the Board Members had any comments, questions, concerns or corrections about the April 4, 2016 minutes. Hearing no comments, the Board accepted the minutes as presented.

Next on the agenda was review of the site plan application of Leon Tuttle to construct a 16x24 addition onto building located at 2147 South Broadway. The building would be the main office for the storage business. The U-haul rental trailers would be moved to this location and placed within the required setback allowed. The house would be demolished in the future to add more storage sheds. Signs would be installed according to the code. Construction material would be similar to what is already there. Lights would be night sky compliant.

Chairman Stephens asked the members of the community that were in attendance if they had any comments. There were no comments. Chairman Stephens set a public hearing for Monday, June 6, 2016 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was review of the site plan application of Dolores Wheeler to operate a specialty retail business that includes a vegetable stand, food and beverage sales, antique sales, and used building material sales located at 1156 Broadway. Code

Enforcement discussed the issues with the driveways ingress and egress. Highway Superintendent is waiting to hear from the County regarding the ingress and egress on Broadway.

Mrs. Wheeler was concerned with the town ordinance that does not allow road-side stands. Chairman Stephens explained that the definition of road-side stand is that the majority of the produce was grown on the property it was being sold on and since she was bringing produce in from the Amish, it would be considered retail sales.

Mrs. Wheeler explained her site plan was to operate a vegetable stand, a drive-thru to sell coffee, doughnuts, hot dogs and chips, to rent part of the building for office space or antique sales and to sell used building materials. She would use 989 Sebring Avenue as an entrance. Deliveries would be made by pickup trucks with trailers. Customer parking would be behind the building.

Attorney Barnstead explained he could not comment on the application due to a conflict of interest with the applicant.

The Board explained to Mrs. Wheeler the requirements for the next meeting was to have more detail to the site plan as follows:

1. Identify property boundaries
2. Identify existing site features such as fence and landscaping
3. Measurements and requirements for setbacks
4. Customer parking
5. Sign size and location
6. A traffic flow diagram with measurements and location of the driveway off Sebring Avenue
7. A traffic flow diagram that shows seasonal traffic flow
8. Material being used for the construction of the driveway
9. License from the County that allows food sales
10. County approval for entrance and exit off Broadway near the traffic light
11. Town Highway Superintendent approval for entrance and exit off of Sebring Avenue
12. Easement agreement from property owner of Dixie Bowling Lanes.

The Board discussed signage, lighting, garbage disposal and that all used building material must be stored inside of the building. Chairman Stephens explained to Mrs. Wheeler that she needs to tell the Planning Board exactly what she plans on doing.

Chairman Stephens asked the members of the community that were in attendance if they had any comments. Charles Collins of Kinner Hill, Pine City commented that the roadside stand was mentioned at one of the Town Board meetings. Hearing no other comments, Chairman Stephens set a public hearing for Monday, June 6, 2016 at 7:00 p.m. or as soon thereafter as it can be heard. The Board did not feel they needed alternative legal counsel for the public hearing.

Next on the agenda was the referral from the Town Board to review the rental housing registration, bond and properties in foreclosure ordinance adopted by Town of

Elmira. The Board discussed the City of Elmira's ordinance that has been in place for 3-4 years with no great impact. It is to identify rental properties. Problem properties are usually bank owned with no local person responsible. Local person responsible should have to sign registration. Code Officer did not think that would solve the problem, take Brookside trailer park as an example. Attorney Barnstead explained that the problem lies with bank foreclosed properties that could take 2-6 years before it was sold.

The Board tabled the referral until the June meeting. They would like the Code Officer to summarize his concerns with the registration and to get a copy of the City of Elmira's registration ordinance.

The Board discussed putting a timeline on a site plan approvals. Dr. Tran's building on Pennsylvania Avenue is a good example of where a timeline should be implemented because zoning could change from the time it was approved to the time it is actually constructed. They also discussed conditions being placed on site plan approval stating that a business could not start until they have the required licenses. Code Enforcement could check if proper licenses were obtained. If they were not, then the Town could do a cease and desist on the business. The applicant shall have all state, local and federal licenses, permits and approvals before they can start to operate. Should the Town do the research for what license is required to operate a business?

Chairman Stephens asked the members of the community that were in attendance if they had any comments. Charles Collins of Kinner Hill, Pine City commented that the government should help the applicant and point them in the right direction.

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Board Member Hastings seconded the motion. All in favor. The meeting was adjourned at 8:31 p.m.

AYES: Berman, French, Hastings, Parsons, Stephens, Taft
NOES: None
ABSENT: Olthof, Steed
MOTION CARRIED.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk
cc: Planning Board
Town Board
Town Clerk
Town Attorney