



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD MEETING MINUTES

**Tuesday, July 5, 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 Tuesday, July 5, 2016 at 7:00 p.m.

Board Members Present: Larry Berman  
Jacquelyn French  
John Hastings, Alternate Board Member  
Linda Olthof  
Chris Parsons  
Michael Stephens, Chairman  
Stephens  
Tim Steed, Vice Chairman

Board Members Absent: Linda Taft

Others Present: Steven Barnstead, Town Attorney  
Peter Rocchi, Code Enforcement Officer  
Michelle Murray, Secretary  
Dave Bachman, Highway Superintendent  
Kathy Szerszen, Deputy 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 June 6, 2016 minutes. Hearing no comments, the Board accepted the minutes as presented.

**Public Hearing –** Site plan of Mary Pedano to operate an antique and collectible shop located at 1019 Pennsylvania Avenue, Elmira, NY  
Tax map #109.10-3-14.32  
Zoned Commercial Neighborhood (CN)

Attorney Barnstead noted that the publication was in order. He read the legal notice of public hearing that appeared in the Star-Gazette. He then opened the public hearing for comment.

No one wished to be heard. The Attorney then closed the public portion of the meeting at 7:04 p.m. and turned it over to the Planning Board.

Mary Pedano explained to the Board that she was excited to open the shop and she would have light refreshments for the grand opening. The Board discussed the

parking concerns, the use of the existing outside lights and outside sales. Ms. Pedano explained she would not have outside sales.

After no further discussion, Board Member French made a motion to approve the site plan as presented with conditions. The SEQR application was declared an unlisted action with negative declaration. Board Member Olthof seconded the motion.

**Resolution No. 002-2016 PB**

**SITE PLAN GRANTED TO MARY PEDANO TO OPERATE AN ANTIQUE AND COLLECTIBLE SHOP LOCATED AT 1019 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK  
TAX MAP #109.10-3-14.32 ZONED COMMERCIAL NEIGHBORHOOD (CN)**

**Resolution by: French**  
**Seconded by: Olthof**

**WHEREAS**, the Code Enforcement Officer of the Town of Southport received a Site Plan from Mary Pedano to operate an antique and collectible shop located at 1019 Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #109.10-3-14.32 zoned Commercial Neighborhood (CN); and

**WHEREAS**, the applicant was referred to the Town of Southport Planning Board pursuant to the Town of Southport Municipal Code; and

**WHEREAS**, it was determined that this was an Unlisted Action and will not have a potentially significant effect on the environment; and

**WHEREAS**, the Town of Southport Planning Board conducted a public hearing on July 5, 2016 at 7:00 p.m., or as soon thereafter, and after due posting and publication of the same was made, was in compliance with the Town of Southport Municipal Code; and

**WHEREAS**, at that public hearing, any and all individuals wishing to be heard were then and there given the opportunity to do so, and after due deliberation, investigation and consideration it is

**RESOLVED**, that the Town of Southport Planning Board hereby grants approval to the site plan presented by Mary Pedano to operate an antique and collectible shop located at 1019 Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #109.10-3-14.32 zoned Commercial Neighborhood (CN); with the following condition:

- 1. There would be no outside sales or vending.

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

Next on the agenda was review of the site plan amendment of Jake and Kadie Reese to host additional events at the Reese Ranch Rodeo located at 299 Kinner Hill Road, Pine City, New York. Mr. Reese explained to the Board that they would like to add events to the existing eight events. They would also like to have horse shows, barrel races, nightly team penning, bull riding practices, weddings and receptions. There would not be any music at these types of events, but would announce names of the next rider. These events would not be open to the public. Hours of operation would be 9:00 a.m. to 10:00 p.m. They are also looking to add pole lights to the arena.

The Board discussed the location on Kinner Hill for the size of the events, disturbance to neighbors, a lot of traffic for a rural road, noise, garbage, pollution of lighting, the impact on residents and the road. Dave Bachman, Highway Superintendent, was concerned with the road traffic and the late hours with no street lights. He also stated there should be no parking on the road. The Board requested a detailed plot plan for the next meeting showing where the events would take place and where the lights would be installed.

Chairman Stephens asked the members of the community that were in attendance if they had any comments. Hearing no comments Chairman Stephens set a public hearing for Monday, August 1 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was review of site plan application of James Biggs to operate a flea market and antique sales located at 1550 Cedar Street, Elmira, New York. Mr. Biggs explained he was in the process of obtaining an Area Variance for the flea market and would also like to have antique sales.

The Board talked about the size of the flea market, number of vendors, parking, portable bathrooms and signs. The Board requested a detailed plot plan for the next meeting showing what he intended to do.

There were no other comments from the Board. Chairman Stephens set a public hearing for Monday, August 1, 2016 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was review of site plan of John Zack to have outdoor venue at Zack's Grill located at 1825A Pennsylvania Avenue, Pine City, New York. Mr. Zack explained he would like to have outside concerts with music, food and beverages in the field behind the restaurant on Fridays, Saturdays and Sundays from noon to midnight.

The Board discussed lighting, neighbors, noise and parking. If parking is on adjacent lot, a written agreement would be required from that property owner. Dave Bachman, Highway Superintendent, explained that no parking should be on State Route 328. The Board wants the ingress and egress defined for the next meeting.

There were no other comments from the Board. Chairman Stephens set a public hearing for Monday, August 1, 2016 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was the referral from the Town Board to remove the No Parking signs adjacent to Pine City Elementary school. The neighbors requested that the signs be removed. Vice Chairman Steed made a recommendation that the Town Board does not remove the No Parking signs. Even though the ordinance is not being enforced, the signs were originally recommended to help with the hazardous and unsafe parking situation during school hours, it is an unsafe situation. Chairman Stephens seconded the recommendation. No further discussion on the motion.

In November 2015 the Planning Board recommended that the Town Board write a letter to the Elmira City School District explaining that they need to have a greater transportation plan for the Pine City Elementary school that includes parking improvements and bus drop off to alleviate dismissal congestion and to keep the children and families safe. The Planning Board is requesting an update on this recommendation.

**AYES: Berman, French, Hastings, Parsons, Steed, Stephens**  
**ABSENT: Taft**  
**NOES: Olthof**  
**MOTION CARRIED.**

Next was the referral from the Town Board to amend Chapter 497 Vehicles and Traffic. This goes along with the zoning update of Chapter 525. Chairman Stephens made a recommendation that the Town Board accept the changes to Chapter 497 Vehicles and Traffic. Board Member Olthof seconded the recommendation. No further discussion on the motion.

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

Next was the referral from the Town Board to amend Chapter 525 section 5 to include rummage sales. The Board discussed the perpetual rummage sales and how this addition to the code would help enforce those types of rummage sales. Chairman Stephens made a recommendation that the Town Board accept the changes to Chapter 525 section 5 to include rummage sales. Board Member Berman seconded the recommendation. No further discussion on the motion.

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

Next was the referral from the Town Board to review the six month Moratorium on solar, wind energy system or farm waste energy system. Attorney Barnstead discussed how the Moratorium would allow the Town time to analyze the impacts of solar farms and talked about the industrial garbage when the solar energy is no longer needed. Kathy Szerszen, Deputy Supervisor explained there are many unanswered questions about the solar farms therefore the Town Board requested a Moratorium.

Chairman Stephens recommends that the Town Board institute a one year Moratorium instead of only a six month Moratorium on the solar and wind energy system and exclude the farm waste energy system from the Moratorium. Board Member French seconded the recommendation. No further discussion on the motion.

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

Other business to come before the Board was discussion on the consistency of site plan approvals and conditions on minor site plans as well as the major site plans.

No other business to come before the Board. Board Member Olthof made a motion to adjourn the meeting; Board Member French seconded the motion. All in favor. The meeting was adjourned at 8:43 p.m.

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

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

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