



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Regular Meeting

**Monday, May 1, 2017  
Meeting Minutes**

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 1, 2017 at 7:00 p.m.

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

Board Members Absent: None

Others Present: Leslie Mauro, Town Attorney  
Peter Rocchi, Code Enforcement Officer  
Michelle Murray, Secretary  
David Sheen, 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 3, 2017 minutes. Hearing no comments, the Board accepted the minutes as presented.

**Public Hearing –** Special Use Permit of Jodi Wheeler, Wheeler's Catering, to operate an outdoor barbeque pit and to use shed for storage only located at 1825B Pennsylvania Avenue, Pine City, New York.  
Tax map #127.00-1-15.22  
Zoned Commercial Neighborhood (CN)

Ms. Wheeler explained that she wanted to operate a take-out barbeque twice a month. There would be a tent next to the pit for the workers.

Attorney Mauro noted that the publication was in order then opened the public hearing for comment.

Charles Collins of Kinner Hill Road, Pine City was in favor of the barbeque however his concern was that Ms. Wheeler should not have to appear before the Board because she was doing the same thing that the churches and volunteer fire department do with their chicken barbeques. Attorney Mauro explained that their purposes were different one is fundraising and the other is a commercial enterprise. Mr. Collins wants the Town to eliminate the Town Municipal code book and fees because these were the reasons New York State was in trouble. Attorney Mauro asked Mr. Collins to limit his comments to the site plan application. Mr. Collins asked the Board to go through the code book and eliminate many of the codes that restrict what people are allowed to do in the Town and get rid of the permit fees because the government would not make the money that they are making. He asked the Board to look through the book so people are not treated differently and eliminate those codes that take our freedoms from us.

No one else wished to be heard. Attorney Mauro closed the public portion of the meeting at 7:08 p.m. and turned it over to the Planning Board.

Chairman Stephens summarized Ms. Wheeler's application:

1. To operate a year round barbeque on weekends, state or federal holidays two times a month. The pit would be located in front of the beverage store.
2. Special Use Permit to operate a fast-food restaurant business.
3. No tables or chairs would be set up because it would be take-out only.
4. A tent would be allowed for the workers.
5. Hours of operation would be from 11:00 a.m. to 5:00 p.m.
6. The shed would remain on the property and be used for storage only.

There were no further comments from the Board. Vice Chairman Steed made a motion to approve the special use permit with conditions; Board Member French seconded the motion. SEQR was declared an Unlisted Action negative declaration.

**Resolution No. 006-2017 PB**

**SPECIAL USE PERMIT GRANTED TO JODI WHEELER TO OPERATE AN OUTDOOR BARBEQUE PIT AS A FAST FOOD RESTAURANT AND TO USE THE SHED FOR STORAGE ONLY LOCATED AT 1825B PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #127.00-1-15.22 ZONED COMMERCIAL NEIGHBORHOOD (CN)**

**Resolution by: Steed**  
**Seconded by: French**

**WHEREAS**, on March 15, 2017, Jodi Wheeler submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning

Board for a Site Plan Amendment to operate an outdoor barbeque pit and use shed for storage only on the parcel located at 1825B Pennsylvania Avenue, Pine City (Town of Southport), tax map #127.00-1-15.22 zoned Commercial Neighborhood (CN); and

**WHEREAS**, the Planning Board held a duly noticed meeting on April 3, 2017, at which the Applicant presented information about the project; and

**WHEREAS**, at that meeting the Town Attorney interpreted the application as a fast-food restaurant according to the Town's zoning definition in Chapter 525-5 which requires a Special Use Permit; and

**WHEREAS**, the application was referred to the Chemung County Planning Board on March 15, 2017 pursuant to New York State General Municipal Law §239-m, and the County Planning Board raised no objection to the Project; and

**WHEREAS**, the Planning Board conducted a public hearing on May 1, 2017 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

**WHEREAS**, it was determined that this was an Unlisted Action and will not have a potentially significant effect on the environment; and after due deliberation, investigation and consideration it is

**RESOLVED**, that the Planning Board hereby grants approval with conditions for the Special Use Permit of Jodi Wheeler to operate an outdoor barbeque pit as a fast-food restaurant and to use the shed for storage only located at 1825B Pennsylvania Avenue, Pine City with the following conditions:

1. Special Use Permit to operate a fast-food restaurant
2. Operate an outdoor barbeque two times per month year round on weekends or state or federal holidays.
3. No tables or chairs shall be set up.
4. Tent would be allowed for the workers.
5. Hours of operation would be from 11:00 a.m. to 5:00 p.m.
6. Shed would be used for storage only.

**AYES: Berman, French, Hastings, Parsons, Steed, Stephens**

**NOES: None**

**MOTION CARRIED.**

Next on the agenda was review of site plan for NYSEG for proposed equipment, buildings and security upgrades at NYSEG's Regulator Station located on Mt. Zoar Street, Elmira, New York. Tax map #99.09-1-35 zoned Residential 1 (R1). David Bovee with Avangrid and Brendan Bystrak with LaBella Associates spoke on behalf of NYSEG.

Mr. Bystrak explained that the property is owned by Corning Natural Gas (CNG). The intent is to completely re-develop the station and access drive. They are in the process of obtaining an easement with the adjacent land owners to widen the driveway. Seven buildings would be taken down and be replaced with two new buildings. The above ground piping would be removed. New buildings would be metal sided. Emergency lighting and a back-up generator will be installed.

Attorney Mauro explained that it was exempt as a Type II action regarding SEQR because they are re-building an existing facility. NYSEG needs Site Plan approval for the project even though it is a non-conforming use utilities are exempted from the non-conforming use standard per town code 525-22. It was discovered that the town code needs to be corrected in that general uses for public utility in R1 should be subject to site plan review.

The applicant requested that the Board schedule a special public hearing in May. The advance work being done on the site is unrelated to the site plan, it is environmental remediation.

Chairman Stephens asked the members of the community that were in attendance if they had any comments. There were no comments.

Vice Chairman Steed asked when the easement agreements would be done with the adjoining property owners. If it was not done by the public hearing the Board will need a letter of agency for the site plan approval.

The Board discussed the stormwater drainage, catch basins and the noise level. An area variance from the Board of Appeals is required for the height of the fence.

There were no further comments from the Board. Chairman Stephens set a special public hearing for Monday, May 22, 2017 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was review of the Site Plan Amendment of Todd Curren to construct a 70 x 100 foot building and a 50 x 100 foot pavilion at Curren RV Sales located at 1365 Pennsylvania Avenue, Pine City, New York. Tax map #108.04-1-13.2 zoned Agricultural Residential (AR).

Mr. Curren explained that he is building on the west side of the existing building a 70x100 foot steel pole building for a service office and service bays with garage doors facing the north side which is Pennsylvania Avenue and one door facing east. On the east side of the building they will build a roof only pavilion for the storage of outdoor power equipment for display. There is a letter from the New York State Department of Transportation stating they have no issues with the building being 15 feet from of the State right of way. Mr. Curren will add a new driveway entrance on Pennsylvania Avenue. Lighting would be wall packs.

Attorney Mauro went through SEQR and discussed the project being over 4000 square feet and it an Unlisted Action.

Chairman Stephens asked the members of the community that were in attendance if they had any comments. There were no comments.

There were no further comments from the Board. Chairman Stephens set a public hearing for Monday, June 5, 2017 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was referral from the Town Board to install additional signage on Elmira Street near the trail. Peter Rocchi explained that it was required by DEC. Chairman Stephens made a recommendation that the Town Board accept the proposed addition of signage on Elmira Street near the trail as required by the Department of Environmental Conservation. Board member French seconded the recommendation.

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

The Board then discussed Complete Streets Policy. Chairman Stephens suggested following the same policy the Town of Illion New York adopted as follows:

*Town of Southport Resolution  
Complete Streets Policy*

*May 2, 2017*

*WHEREAS, the purpose of a Complete Streets Policy is to empower and direct citizens, elected officials, government agencies, planners, engineers, and architects to use an interdisciplinary approach, when possible, to incorporate the needs of all users into the design and construction of roadway projects within the Town of Southport; and,*

*WHEREAS, the Town of Southport wishes to ensure that the appropriate designs and construction of roadways within the Town will accommodate the safety, convenience, and comfort of motorists,*

*cyclists, pedestrians-including those individuals requiring mobility aids, transit riders, and neighborhood residents of all ages and abilities; and,*

*WHEREAS, the Town of Southport recognizes that this Complete Streets Policy also includes the incorporation of this community's values and as such will be mindful of its environmental, scenic, aesthetic, historic and natural resources in any such design and planning ; and,*

*WHEREAS, Complete Streets design features and practices include, but are not limited to: sidewalks, proper street lighting, signage, crosswalk and crosswalk devices, highway improvements, and parking areas in order to promote healthy and safe activity by users;*

*NOW, THEREFORE BE IT RESOLVED that the Town of Southport recognizes the importance of creating this Complete Streets Policy as listed in the whereas within the Town to assure safe travel by all users including motorists, cyclists, pedestrians, public transportation riders & drivers, and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities; and*

*BE IT FURTHER RESOLVED that the Town of Southport will attempt to draw upon all possible funding sources to plan and implement where possible Complete Street elements to make implementation economical feasible; and*

*BE IT FURTHER RESOLVED that the Town of Southport will consider incorporating Complete Streets design features and practices in the planning and design process into any construction, reconstruction, retrofit, maintenance, alteration, or repair of streets, bridges or other portions of the transportation network wherever feasible.*

Chairman Stephens made a recommendation that the Town Board adopt a complete streets policy so that the Town has input when there are improvements to the roads. Board member Parsons seconded the motion.

**AYES: Berman, French, Hastings, Parsons, Steed, Stephens**

**NOES: None**

**MOTION CARRIED.**

Next the Board welcomed the interested candidates for the Planning Board vacancies. Trish Peterson of Dry Run Road, Dan Collins of Dry Run Road, and Marion Leljedal Pauline Avenue. Chairman Stephens explained the procedure and interview process. A referral would go to the Town Board in June for their approval.

No other business to come before the Board. Board Member Parsons made a motion to adjourn the meeting; Board Member Hastings seconded the motion. All were in favor. The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney