



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

Tuesday, September 5, 2017
Meeting Minutes

Minutes of a regular meeting of the Town of Southport Planning Board that was held at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on Tuesday, September 5, 2017 at 7:00 p.m.

Board Members Present: Larry Berman
Dan Collins
Jacquelyn French
John Hastings
Chris Parsons
Trish Peterson, Alternate
Tim Steed, Vice Chairman
Michael Stephens, Chairman

Board Members Absent: None

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Gregory Scholand, Town Attorney

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 July 3, 2017 minutes. Hearing no comments, the Board accepted the minutes as presented.

Attorney Gregory Scholand attended the meeting on behalf of Town Attorney Mauro.

Next was review of the site plan application of Michelle Oliver to operate a dance studio located at 964 Pennsylvania Avenue in the Drake's Plaza. Mrs. Oliver explained her plan was to renovate the space with new flooring, install mirrors, build a divider wall and paint. They would use the existing lighting and there was adequate parking available. She plans to have two employees and the hours of operation would be Monday through Saturday 10:00 a.m. to 8:00 p.m. Signage would be installed per Town Code.

Chairman Stephens thanked Mrs. Oliver for her complete application and that it would be a nice addition to the Town. Vice Chairman Steed talked about the parking and suggested painting parking stripes in the parking lot to define the available parking spaces.

The Board talked about conditions for the site plan:

1. Paint parking stripes in the parking lot to define the available parking spaces.
2. Signage would be installed per Town Code and to check with Code Officer before installing.

There were no further comments from the Board. Chairman Stephens set a public hearing for Monday, October 2, 2017 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was review of the site plan application of Donna Steinhauer to operate a barber and beauty shop located at 1132 Broadway. Ms. Steinhauer explained her plan was to operate Monday through Friday 8:00 a.m. to 8:00 p.m. and Saturday 8:00 a.m. to 2:00 p.m. There are 11 parking spaces available for the business. There would be five booth renters consisting of two barbers, two beauticians and one massage therapist. Signage would consist of a 2 foot by 8 foot sign above the store front, a sign in the window, a barber pole, an electric "open" sign and a removable sign to be placed in the grass area in front of the plaza. They will use the existing lighting. The customers would be walk-in and by appointment.

The Board talked about the parking and the space behind the building and the conditions for the site plan:

1. Employees shall park behind the building to provide adequate customer parking in front and on the side of the building.
2. Check with Code Officer before installing signs so they would be installed per Town Code.

There were no further comments from the Board. Chairman Stephens set a public hearing for Monday, October 2, 2017 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was referral from the Town Board to review the proposed amendment to the Town Code §525-22 "Exceptions in all districts." Code Officer Rocchi explained that this change would make the Town Code consistent throughout the code book regarding public utilities.

Vice Chairman Steed talked about the word “distribution” and removing it from the code. Attorney Scholand agreed with the use of that specific word in the code.

Chairman Stephens asked the members of the community that were in attendance if they had any comments. Charles Collins of Kinner Hill, Pine City asked if this exception would affect private land owners. Vice Chairman Steed explained that a private solar utility for example is not considered a public utility.

Vice Chairman Steed made a motion to accept the referral from the Town Board with changes; Board Member French seconded the motion.

§525-22 Exceptions in all districts

B. Public utilities. Nothing in this chapter shall be construed as prohibiting outright the construction or use of public utility facilities' operating under the laws of the State of New York. The construction or use of public utility facilities' shall be subject to Article VIII. Site Plan Review and Approval and Code §525-140, Area Variances.

***Also make sure to add an “S” (site plan review) in the R1 District under General Uses for public utilities on the Use Regulation Table, 525 Attachment 1.*

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

Next was referral from the Town Board to review the proposed amendment to Town Code §525-5 definition of a “kennel.” The Code Officer explained there was an incident where a resident had 17 dogs and 10 cats in a home and the neighbors complained about the odor coming from the yard and house. This change to the definition would give the Animal Control Officers ability to intervene and remedy the situation.

The Board discussed if the situation could be enforced under animal cruelty laws and not to control ownership of pets under land use zoning. The Board would like to see an ordinance with criteria for the amount of space allowed per animal.

Chairman Stephens tabled the referral from the Town Board until the October meeting. Board Member Parsons seconded the motion.

Next on the agenda was an update the Site Plan application to include §525-65 "Professional Assistance Reimbursement." Code Officer Rocchi explained that this section of the code needed to be added to the application so that the applicant was aware they are responsible to pay for Engineering or Attorney fees on a site plan.

Chairman Stephens made a motion to accept the changes to the site plan application; Vice Chairman Steed seconded the motion.

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

NOES: None

ABSENT: None

MOTION CARRIED.

Chairman Stephens talked about the review of the Town Municipal Codes and permit fees. He requested two board members to review the reason for fees and if they should be adjusted or eliminated. Vice Chairman Steed explained that fees are in place to cover the costs of the Code Officer's time, administration costs and other personnel. Board Member Collins and Peterson agreed to review the fees with Chairman Stephens.

Charles Collins of Kinner Hill, Pine City said that it was his proposal to look at the building permit fees. He stated that the buildings that Curren RV were going to build, the Town will get back in taxes in one year. He stated that it should not be about how Pete Rocchi's work is covered it should be about making this a work friendly place for people to live. He felt he was being punished for improving his property and making the town a better place to live and the government tells us we have to pay the government to improve our property so it makes our town better and that is just the opposite of reward and punishment. He was upset that he had been charged a \$50 permit fee to put in a home generator and his assessment went up \$101,000. Board Member French suggested he grieve his assessment to the Board of Assessment Review. He said he was not going to do that.

Chairman Stephens thanked Dan Collins and Trish Peterson for joining the Planning Board and being part of the site plan process which is a worthwhile process for the Town.

The Planning Board asked about the intersection at State Route 14 and State Route 328. The Town Supervisor David Sheen and Chemung County Sheriff Christopher Moss both forwarded their concerns to the NYSDOT. Vice Chairman Steed suggested that the turning lanes should be controlled by arrows.

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Board Member Collins seconded the motion. All were in favor. The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney