



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, November 6, 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, November 6, 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

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary

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 October 2, 2017 minutes. Hearing no comments, the Board accepted the minutes as presented.

Public Hearing - Donna Burdick to operate a nutrition counseling practice located at 911 Pennsylvania Avenue, Elmira, New York Tax map #109.07-2-83 zoned Commercial Regional (CR)

It was noted that the publication was in order then the public hearing was opened for comment. No one wished to be heard. The public portion of the meeting was closed at 7:02 p.m. and turned back over to the Planning Board.

The Board discussed that the building is pre-existing non-conforming and there was no on-site parking available. All of the parking would be on the street. The hours of operation would include Saturday and Sunday from 9:00 a.m. to 11:00 a.m.

There were no further comments from the Board. Board Member French made a motion to accept the site plan with conditions; Board Member Berman

seconded the motion. SEQR was declared a Type II Action negative declaration.

Resolution No. 012-2017 PB

SITE PLAN GRANTED TO DONNA BURDICK TO OPERATE A NUTRITION COUNSELING PRACTICE LOCATED AT 911 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.07-2-83 ZONED COMMERCIAL REGIONAL (CR)

Resolution by: French
Seconded by: Berman

WHEREAS, on or about September 13, 2017, Donna Burdick submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to operate a nutrition counseling practice located at 911 Pennsylvania Avenue, Elmira, (Town of Southport), tax map #109.07-2-83 zoned Commercial Regional (CR); and

WHEREAS, the application was interpreted as a professional office according to the Town's Use Regulation Table Chapter 525 which requires a Site Plan; and

WHEREAS, the Planning Board held a duly noticed meeting on October 2, 2017, at which the Applicant presented information about the project; and

WHEREAS, the office building located at 911 Pennsylvania Avenue is pre-existing, non-conforming there is no on-site parking available. All parking is on the street; and

WHEREAS, the Planning Board conducted a public hearing on November 6, 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 for the Site Plan of Donna Burdick to operate a nutrition counseling practice with the following condition:

1. Hours of operation include Saturday and Sunday from 9:00 a.m. to 11:00 a.m.

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

Next was review of the site plan application of John Knapp to operate a fitness training facility located in the Southtown Plaza at 1600 Cedar Street zoned Commercial Regional.

Chairman Stephens explained that he and Mr. Knapp are good friends and colleagues and would abstain from voting at the public hearing.

Mr. Knapp explained his plan was to operate a youth performance training facility for children 10 years old to college age. His goal was to have 50 members. Training would be structured 90 minute sessions. There is ample parking in the plaza. Bathrooms and locker rooms would be built to the New York State Building Code.

Chairman Stephens asked Charles Collins that was in attendance if he had any comments. Mr. Collins supported anything that would keep the youth busy in a positive way.

There were no further comments from the Board. Chairman Stephens set a public hearing for Monday, December 4, 2017 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was the tabled referral from the Town Board to review the proposed amendment to Town Code §525-5 definition of a "kennel." The Code Enforcement Office submitted a new proposal to amend the Town Code §192 Animals.

Article 4 Number of Animals

§192-15 Definitions

The definitions contained within §192-2 shall apply to this section.

§192-16 Prohibited Acts

Except within the AR (Agricultural Residential) district, no owner may harbor more than five dogs or cats over the age of four months.

§192-17 Enforcement

This Article may be enforced as provided in §192-4, or by a Code Enforcement Officer for the Town of Southport.

§192-18 Penalties

Any violation of this article shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty, of the Code of the Town of Southport.

The language gives the Code Enforcement Officer the ability to enforce animal neglect and keep a balance in residential areas. The Board discussed the Variance process with the Board of Appeals if a resident wanted more than five dogs or cats.

Board Member French made a motion to recommend the Town Board accept the amendment to Town Code §192 Animals as presented. Vice Chairman Steed seconded the motion.

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

No other business to come before the Board. Board Member Collins made a motion to adjourn the meeting; Board Member Hastings seconded the motion. All were in favor. The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney