



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

Monday, February 5, 2018
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, February 5, 2018 at 7:00 p.m.

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

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Leslie Mauro, Town Attorney
Joe Roman, Town Council Member

Chairman Steed 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 January 2, 2018 minutes. Hearing no comments, the Board accepted the minutes as presented.

Next was the continued review of the site plan application of Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems to construct a telecommunications tower at Budd Street and Morley Place, Elmira, NY Tax Map #109.07-5-45 Zoned Industrial (I). The applicant was not present. The Board requested additional information from the applicant for this meeting however they did not have those documents prepared in time. The Board tabled the discussion until the end of the meeting.

Next was review of the site plan of Leon Tuttle, Southport Mini Storage, to construct a new 25 foot by 120 foot storage building located at 2147 South Broadway, Pine City, New York tax map #109.00-1-11 that is zoned Industrial.

Mr. Tuttle explained this new building would be number six and be the same metal construction as the other storage buildings. He will close the driveway entrance off of New York State Route 14 and maintain the entrance from Bob Masia Drive. He has been in contact with NYSDOT. The Board asked him to define that change to the driveway on the plot plan for the next meeting.

The Board discussed the 70% maximum lot coverage that is allowed in the industrial zone according to the Bulk and Density Control Schedule Chapter 525. They asked Mr. Tuttle to provide the lot coverage for the next meeting.

The application was submitted to the Chemung County Planning Board because it is located in the right-of-way of an existing State Highway, State Route 14.

There were no further comments from the Board. Chairman Steed set a public hearing for Monday, March 5, 2018 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was review of the site plan of Elmira Little Theatre to construct a 30 foot by 30 foot addition to the existing building located at 961 Pennsylvania Avenue, Elmira, New York tax map #109.07-6-10 that is zoned Commercial Regional.

Charlie Rizzo, President of Elmira Little Theatre, presented the application to the Board. He explained the addition was going to be a pole barn style construction similar to the existing building. It would be used for storage of sets and costumes. They had received grand money and donations for the improvement.

Chairman Steed explained that the Commercial Regional zone has form-based code regulations where the setbacks and lot coverage are less restrictive. Because the building could be built to the edge of the property line he would like the side of the building facing Pennsylvania Avenue to have an aesthetic appeal such as a sign, landscaping and lighting.

The Board also discussed sprinklers and to include a door on the addition that would meet fire code. Any new signage would have to meet Town Code regulations.

The application was submitted to the Chemung County Planning Board because it is located in the right-of-way of an existing County road Pennsylvania Avenue/County Route 69 and was approved.

There were no further comments from the Board. Chairman Steed set a public hearing for Monday, March 5, 2018 at 7:00 p.m. or as soon thereafter as it can be heard.

The Board continued the discussion on the Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems to construct a telecommunications tower at Budd Street and Morley Place. The Board will obtain a consultant to aid them in the review of the wireless requirements. A Radio Frequency Engineer understands the technical data and can advise the Board.

Resolution No. 001-2018 PB

**Resolution Seeking Town Board Permission
to Retain a Radio Frequency Engineer
for Review of the Project Identified as
Up State Tower #ELM-765**

Resolution by: Steed
Seconded by: Stephens

WHEREAS, the Town of Southport, New York (the "Town") has received an application package from Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems/Blue Wireless (collectively, the "Applicants"), by and through their attorneys, Barclay Damon LLP, seeking approvals to allow for the construction and operation of a proposed +/-167' (originally stated in application materials as 160') public utility telecommunications tower, with a 60' x 60' fenced compound and associated ground equipment (the "Project"), on certain real property located at Budd Street and Morley Place in the Town of Southport, County of Chemung, State of New York (SBL No. 109.07-5-45); and

WHEREAS, the Town has acknowledged receipt of the Applicants' application materials and has deemed them sufficient to initiate review of the proposed Project in accordance with the Town Code; and

WHEREAS, the Project requires site plan approval from the Town Planning Board and the granting of certain area variances from the Town Zoning Board of Appeals; and

WHEREAS, in order to evaluate the Project's compliance with applicable criteria for the above-referenced approvals, the Town Planning Board would like to retain the services of an engineer with expertise in wireless telecommunications infrastructure, to advise Town personnel, including but not limited to the members of the Planning Board and Zoning Board of Appeals, on various technical aspects of the Project.

NOW, THEREFORE, BE IT RESOLVED that the Town Planning Board hereby requests the permission of the Town Board to retain the services of an engineer with expertise in wireless telecommunications infrastructure, to advise Town personnel with respect to the Project's compliance with the Town Code, the federal Telecommunications Act of 1996, and other applicable laws and regulations, with the engineer's fees and other expenses related to such retention to be reimbursed to the Town by the Applicants pursuant to Town Code §§ 525-65 and 525-143.

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

NOES: None

MOTION CARRIED.

The Board discussed public utility status for a wireless provider and gap in coverage. They discussed acting as lead agent for this project with a coordinated review. The visual impact study was not provided by the applicant. The Town Attorney discussed the shot clock with the applicant and their delay with the site plan review. The Board talked about requiring an updated SEQR for the subdivision of land and combining the Planning Board public hearing with the Board of Appeals public hearing.

A decommissioning plan was discussed and could be a condition on the site plan approval stating that if the tower is not going to be used and is out of use for a certain amount of time then it has to be taken down. The Town would require posting of a bond to reserve the money to remove the tower. The lease agreement between the wireless company and the land owner did not go into depth about removal of the structure.

A letter from NYSDOT explained that they did not have any objections to the details of the site plan application. Peter Rocchi will verify with the Highway Department if there is a road use agreement in place. The stormwater plan was also discussed.

The Board is waiting for the following from the applicant:

1. Updated Environmental Assessment Form (EAF)
2. Clarification on decommissioning and removal bonds
3. Modification of the SEQR regarding subdivision
4. Viewshed analysis

Chairman Steed made a motion that the Planning Board declares the intent to become lead agent for the site plan application of Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems to construct a telecommunications tower at Budd Street and Morley Place, Elmira, New York also include the subdivision of land. Board Member Stephens seconded the motion.

Resolution No. 002-2018

**Resolution of Intent to Act as Lead Agency for
STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”)
Review of the Project Identified as
Up State Tower #ELM-765**

Resolution by: Steed
Seconded by: Stephens

WHEREAS, the Town of Southport, New York (the “Town”) has received an application package from Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems/Blue Wireless (collectively, the “Applicants”), by and through their attorneys, Barclay Damon LLP, seeking approvals to allow for the construction and operation of a proposed +/-167’ (originally stated in application materials as 160’) public utility telecommunications tower, with a 60’ x 60’ fenced compound and associated ground equipment (the “Project”), on certain real property located at Budd Street and Morley Place in the Town of Southport, County of Chemung, State of New York (SBL No. 109.07-5-45); and

WHEREAS, said application package was submitted together with a SEQRA Full Environmental Assessment Form and other supporting documents and plans (“Application Materials”); and

WHEREAS, the Town has acknowledged receipt of the Application Materials and has deemed them sufficient to initiate review of the proposed Project in accordance with the Town Code; and

WHEREAS, the Town Planning Board is an “involved agency” pursuant to SEQRA because the Project requires site plan approval; and

WHEREAS, the Town Planning Board has determined, in accordance with 6 NYCRR 617.6, that: (i) the proposed Project appears to be an Unlisted Action under SEQRA; (ii) coordinated SEQRA review shall be undertaken; and (iii) the Town Planning Board is willing to act as Lead Agency for purposes of said review.

NOW, THEREFORE, BE IT RESOLVED that the Town Planning Board hereby adopts the attached Notice of Intent to Act as Lead Agency, and directs the Town Clerk to circulate said notice to all involved agencies in accordance with 6 NYCRR 617.6(b)(3), together with the Application Materials.

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

**NOTICE OF INTENT
ESTABLISHMENT OF SEQRA LEAD AGENCY
TOWN OF SOUTHPORT PLANNING BOARD**

TO: Town of Southport Board of Appeals
Chemung County Planning Board

DATED: February 5, 2018

FROM: Town of Southport Planning Board

THIS NOTICE is issued pursuant to 6 NYCRR 617.6(b) of the implementing regulations pertaining to Article 8 of the State Environmental Conservation Law (the State Environmental Quality Review Act, or “SEQRA”).

PLEASE TAKE NOTICE that the Planning Board of the Town of Southport, New York has determined that it is willing to act as SEQRA Lead Agency for environmental review of the proposed action described below and shall coordinate environmental review pursuant to Article 8 of the Environmental Conservation Law and Implementing Regulations (6 NYCRR Part 617).

Name of Action: Up State Tower #ELM-765

SEQRA Status: Unlisted Action

Description of Action: Construction and operation by Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems/Blue Wireless of a proposed +/-167’ (originally stated in application materials as 160’) public utility telecommunications tower, with a 60’ x 60’ fenced compound and associated ground equipment. This project requires site plan approval from the Town of Southport Planning Board and the granting of Area Variances from the Town of Southport Zoning Board of Appeals for nonconformity with the requirements of the project site’s Industrial (I) zoning district with respect to setback from property lines and tower height.

Location: Budd Street and Morley Place, Town of Southport, County of Chemung, State of New York, 14904
SBL No: 109.07-5-45

Contact Person: Tim Steed
Town of Southport Planning Board Chairman
1139 Pennsylvania Avenue
Elmira, NY 14904
607-737-5268

PLEASE TAKE FURTHER NOTICE that unless any involved agency objects to this determination and Intent of Lead Agency status within thirty (30) calendar days, the Town of Southport Planning Board shall be deemed Lead Agency.

Town of Southport Planning Board

By: _____

Print Name: _____

Involved Agencies

Town of Southport Zoning Board of Appeals
1139 Pennsylvania Avenue
Elmira, NY 14904

Interested Agencies

Chemung County Planning Board
400 E. Church Street
PO Box 588
Elmira, NY 14902

Board Member Stephens made a motion to adjourn to executive session to discuss the memo from the Town Attorney and securing outside consultants. Board Member French seconded the motion. The Planning Board adjourned to executive session at 8:20 p.m.

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

NOES: None

MOTION CARRIED.

The Planning Board reconvened from the executive session at 8:43 p.m.

No other business to come before the Board. Board Member Berman made a motion to adjourn the meeting; Board Member Hastings seconded the motion. All were in favor. The meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney