



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Regular Meeting

**Monday, May 7, 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, May 7, 2018 at 7:00 p.m.

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

Board Member Absent: None

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

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 April 2, 2018 minutes. Hearing no comments the Board accepted the minutes as presented.

**Public Hearing -** Site plan application of Lewis Jenkins to construct a 30 foot by 40 foot addition to existing pole barn to be used for storage located at 1699 Pennsylvania Avenue, Pine City, New York  
Tax map #117.04-3-72  
Zoned Agricultural Residential (AR)

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 7:03 p.m.

Mr. Lewis explained the addition to his existing pole barn would be for personal storage.

The Board did not have any further comments. Board Member French made a motion to accept the site plan as presented; Board Member Collins seconded the motion. SEQR was declared an Unlisted Action negative declaration. There was no discussion on the motion.

**Resolution No. 007-2018 PB**

**SITE PLAN GRANTED TO LEWIS JENKINS TO CONSTRUCT A 30 FOOT BY 40 FOOT ADDITION TO EXISTING POLE BARN TO BE USED FOR STORAGE LOCATED AT 1699 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #117.04-3-72 ZONED AGRICULTURAL RESIDENTIAL (AR)**

**Resolution by: French**  
**Seconded by: Collins**

**WHEREAS**, on or about March 6, 2018, Lewis Jenkins submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to construct a 30 foot by 40 foot addition to his existing pole barn located at 1699 Pennsylvania Avenue, Pine City, (Town of Southport), tax map #117.04-3-72 zoned Agricultural Residential (AR); and

**WHEREAS**, the application was submitted to the Planning Board because the total square footage of the accessory structure will be larger than 1,500 square feet of gross floor area allowed per the Town Code 525-87 (B)(4) Accessory structures which requires a Site Plan; and

**WHEREAS**, the Planning Board held a duly noticed meeting on April 2, 2018, at which the Applicant presented information about the project; and

**WHEREAS**, the Planning Board conducted a public hearing on Monday, May 7, 2018 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 Lewis Jenkins.

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

Next was review of the Special Use Permit of Donna Monroe to operate a nutrition counseling practice located at 1491 Caton Avenue, Elmira, New York tax map 109.07-4-40 zoned Residential 3.

Ms. Monroe explained her business would be operated out of the front half of the accessory building next to her house. The improvements would consist of adding heat, install additional lighting, and install a partition wall. The parking spaces would be defined in the gravel driveway. The business is operated by appointment only. A sign would be installed by the driveway. She would use the existing outside lighting.

Peter Rocchi, Code Enforcement Officer explained that "Lock Stock and Arrow" used to operate from this location. It is considered as a cottage industry per town code.

§ 525-108 Cottage industries.

- B. General requirements. A cottage industry use may be permitted when an approved site plan documents compliance with the following minimum requirements:
- (2) No more than 1,500 square feet of an accessory structure is used for or dedicated to the use.

There were no further comments from the Board. Chairman Steed set a public hearing for Monday, June 4, 2018 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was review of the Site Plan of Bohler Engineering on behalf of McDonald's USA, LLC for renovations to the interior and exterior of the existing restaurant located at 1600 Cedar Street, Elmira, New York tax map #109.12-1-11 zoned Commercial Regional.

Steve Wilson with Bohler Engineering presented the application to the Board. He explained the improvements to the site would consist of changes to the exterior of the building giving it a modern look. The building height would remain the same. The signs on the building would be updated. There will be interior improvements to the bathroom, dining and counter area. The kitchen area remains the same. The site improvements include making the circulation of traffic better and safer. The drive-through would have a bypass escape lane. There will be a new cooler attached to the back of the building. They will be adding 1,100 square feet of green space.

The Board discussed the stacking of cars in the drive-through and the drive-up window overhang. The west side of the parking lot would be cleaned up and consist of pervious green space. The storage container by the dumpster should be removed from the site. A variance would be required if they could not meet the distances required for the drive-through.

The Board required the following information for the next meeting:

1. Drive-through stacking is compliant with code
2. Storage container incorporate or remove from site
3. Landscaping to include trees

There were no further comments from the Board. Chairman Steed set a public hearing for Monday, June 4, 2018 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was the referral from the Town Board to review six-month extension to the temporary 12-month Moratorium on solar and wind energy development. The Board discussed the Town Board making a plan for solar development.

Board Member Collins made a recommendation that the Town Board implement the six-month extension to the temporary 12-month Moratorium on solar and wind energy development with the provision that they present to the Planning Board in June a plan of action with steps and a time table to establish the necessary ordinances for solar and wind development in the Town. Board Member Peterson seconded the recommendation.

**AYES: Berman, Collins, French, Hastings, Parsons, Peterson, Steed**

**NOES: None**

**ABSENT: None**

**MOTION CARRIED.**

Next was discussion on the referral from the Town Board to review the proposed amendment to Chapter 525 Zoning, §525-33, §525-5, and Use Regulation Table (Proposed Local Law #2 of 2018).

*§525-5 Definitions*

AGRICULTURAL USE, GENERAL

*The production, keeping or maintenance of plants and animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, lamas, alpacas, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees, forest products and forestry uses; and fruits of all kinds, including grapes, nuts, berries and vegetables, unless regulated by other sections of this chapter. Agricultural Uses shall not include vegetable or flower gardens where the produce is for personal use and the products are not for sale. (Refer to §525-33 Special requirements for restrictions)*

AGRICULTURAL USE, COMMERCIAL

An AGRICULTURAL USE, GENERAL, that involves over 300 mammals and/or 1000 fowl or is a Concentrated Animal Feeding Operation (CAFO) as defined by the New York State Environmental Conservation Law.  
(Refer to §525-33 Special requirements for restrictions)

AGRICULTURAL USE, COMMERCIAL STABLE

Any use that involves horses, donkeys, mules, llamas, alpacas, or any similar animals for any related business purpose and/or for compensation, and/or incidental to the operation of any club, association or similar establishment.  
(Refer to §525-33 Special requirements for restrictions)

AGRICULTURAL USE, INDUSTRIAL

Any milk processing plant; feed storage supply facility; farm machinery or equipment sales and service facility; storage and processing facility for fruits, vegetables and other agricultural products; or similar use directly and customarily related to the supply and service of an agricultural use. Agricultural Use, Industrial, does not include on-farm production, preparation or marketing of crops, livestock and livestock products incidental to a General Agricultural Use or Commercial Agricultural Use. (Refer to §525-33 Special requirements for restrictions)

AGRICULTURAL USE, PERSONAL

Any AGRICULTURAL USE, GENERAL, with a maximum combined total of not more than 5 livestock animals, except for horses as set forth in 525-33(A)(3), and not more than 25 fowl and if the use includes the sale of agricultural products, plants and animals as defined in Agricultural Use, General, those agricultural products for sale must be produced on the lot and such agricultural products shall only be sold from a single on-site temporary roadside stand or off-site market. Except for the sale of animals as defined in Agricultural, Commercial Stable, as such use or related sale shall follow requirements for Agricultural, Commercial Stable. (Refer to §525-33 Special requirements for restrictions)

~~STABLE, COMMERCIAL~~

~~Any establishment where horses, donkeys, mules, or similar animals are kept for training, riding, driving or stabling, for compensation, or incidental to the operation of any club, association or similar establishment.~~

~~STABLE, PRIVATE~~

~~A building accessory to a residential use, in which horses, cows, sheep and/or other large mammals are kept for private use and not for remuneration.~~

**§ 525-33: Special requirements.**

- A. Special requirements for each Agricultural Use identified and defined in §525-5 shall apply as follows:
- 1) An Agricultural Use, General and Agricultural Use, Commercial Stable, shall have a minimum lot area of 7 acres except as otherwise prescribed by this section.
  - 2) The keeping or maintenance of animals or animal waste for any use on any parcel shall be not less than 150 feet from any residence located on another parcel.
  - 3) Any use that involves the keeping of horses, donkeys, mules, llamas, alpacas or similar animals requires a minimum lot area of one acre per said animal.
  - 4) Adequate shelter shall be provided to protect all animals on the site and adequate fencing shall be provided to secure and contain all animals on the site.
  - 5) An Agricultural Use, Commercial, shall have a minimum lot area as permitted by a Concentrated Animal Feeding Operation Permit issued by the New York State Department of Environmental Conservation, or as otherwise determined by site plan review.
  - 6) An Agricultural Use, Industrial, shall have lot sizes and minimum setbacks as required by site plan review.
  - 7) An Agricultural Use, Personal:
    - a) Within any R1 zoning district that involves animals shall have a minimum lot of 5 acres.
    - b) Within any AR zoning district that involves animals shall have a minimum lot of 3 acres.

New §525 Use Regulation Table

<b>ACCESSORY USES</b>	<b>AR</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>CN</b>	<b>CR</b>	<b>I</b>	<b>C</b>
<i>Accessory dwelling unit</i>	S	SUP	S	S	S	S		
<i>Day care – family home</i>	P	P	P	P	P	P	P	P
<i>Day care – group family home</i>	P	P	P	P	P	P	P	P
<i>Home occupation</i>	S	S	S	S	S			
<i>Cottage industry</i>	SUP			SUP	SUP	SUP		
<i>Agricultural Use, Personal</i>	P	S						
<i>Seasonal business</i>	P				P		S	
<b>GENERAL USES</b>	<b>AR</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>CN</b>	<b>CR</b>	<b>I</b>	<b>C</b>
<i>Airport/heliport</i>	S						S	
<i>Agriculture, General</i>	P						P	S
<i>Agriculture, Commercial</i>	S							
<i>Agriculture, Commercial Stable</i>	S							
<i>Agriculture, Industrial</i>	S				S	S	S	
<i>Antenna</i>	S						S	
<i>Churches</i>	S		SUP	SUP	SUP			
<i>Club – rod and gun</i>	P							
<i>Club, membership</i>	S				S	S		
<i>Day-care center</i>	S				SUP	S	S	
<i>Extraction, private</i>	P						P	S
<i>Golf course, driving range</i>	S							S
<i>Kennel</i>	SUP				SUP			
<i>Nursing home, convalescent home</i>	S			S	S	S		
<i>Private school</i>			S		S	S		
<i>Public/government use</i>	P	P	P	P	P	P	P	S
<i>Public utility</i>	S		S	S	S	S	S	S
<i>Roadside stand</i>	P	P	P	P	P	P		S
<i>Stable, commercial</i>	S							
<i>Stable, private</i>	P							

Peter Rocchi explained that the amendment lessens the restriction on the agricultural uses and clarifies the stable use. The amendments have had input from Robert Somers, New York Ag & Market and Mark Watts, Chemung County Soil and Water. The Board discussed being included in the recommended zoning changes before it goes to the Town Board.

Charles Collins of Kinner Hill, Pine City, NY did not agree with the proposed amendments. He would agree with Robert Somers input.

Chairman Steed made a motion to table the referral until they receive more local input from the Farm Bureau. Board Member Peterson seconded the motion.

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

The Town Board appointed Planning Board Member Trish Peterson. Her term will expire April 1, 2025.

Next was discussion about the vacant Alternate Planning Board Member position. Chad West submitted a letter of interest. Chairman Steed appreciated his interest in serving on the Planning Board.

Chairman Steed made a recommendation that the Town Board appoint Chad West as an alternate member to the Planning. Board Member French seconded the recommendation.

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

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Board Member Hastings seconded the motion. All were in favor. The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney