



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, August 6, 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, August 6, 2018 at 7:00 p.m.

Board Members Present: Dan Collins
Jacquelyn French
John Hastings
Chris Parsons, Vice Chairman
Trish Peterson
Tim Steed, Chairman
Chad West, Alternate

Board Member Absent: Larry Berman

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Leslie Mauro, Town Attorney
Kathy Szerszen, Deputy Town Supervisor

Chairman Steed called the meeting to order on or about 7:00 p.m. He asked if the Board Members had any comments, questions, concerns or corrections about the July 2, 2018 minutes. Hearing no comments, the Board accepted the minutes as presented.

The Chairman moved to "discussion" items on the agenda. The Board discussed the site plan of Bohler Engineering on behalf of Franklin Land Associates, LLC for a retail store project located at 1825 Pennsylvania Avenue, Pine City, New York tax map #127.00-1-15.211 and #127.00-1-15.22 zoned Commercial Neighborhood (CN). The applicant has been in contact with the Code Office and is still gathering information. The Board tabled the review until the next meeting that will be held on Tuesday, September 4, 2018.

Other business to come before the Board was discussion about the solar moratorium. The Board would like to know if the Town Board will still pursue the solar and wind energy development plan of action as mentioned by the Town Supervisor in his memo to the Planning Board in June:

- Town will gather other municipalities plans by July 1, 2018
- Town will present them to the Planning Board by August 1, 2018
- Town will receive recommendation by the Planning Board by September 1, 2018
- Town will hold public hearing at the October Town Board meeting
- Town will have implementation at the December Town Board meeting

Board Members Peterson and French attended a Zoning for Solar course. Attorney Mauro has written ordinances for other municipalities and would provide an example to the Town Supervisor.

Public Hearing - Site Plan of Spaniel Association of Western New York to host the National Cocker Championship located on Lewis Road, Pine City, New York
Tax map #129.00-1-1.5 and #129.00-1-1.6
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 7:05 p.m.

J. Murray Tate presented the application on behalf of the Spaniel Association. He explained that the vehicles would be parked off the road unless weather conditions prevent them from doing so. They would park on one side of the road. No recreational vehicles would be parked on the property or side of the road.

The Highway Superintendent Steve Renko was concerned with emergency service vehicles gaining access to the area and plow trucks being able to maintain the road in adverse weather. The Board cannot approve parking within the right-of-way. They asked that they designate an individual who will communicate with the Highway Department and the appropriate Emergency Services in advance and follow their instructions. The Board discussed the visibility issue with parking on the curve on Lewis Road and that there was no room for two cars to pass.

The Board did not have any further comments. Vice Chairman Parsons made a motion to accept the site plan with conditions; Board Member Peterson seconded the motion. SEQR was declared an Unlisted Action negative declaration. There was no discussion on the motion.

Resolution No. 011-2018 PB

SITE PLAN GRANTED TO THE SPANIEL ASSOCIATION OF WESTERN NEW YORK TO HOST THE NATIONAL COCKER CHAMPIONSHIP LOCATED ON LEWIS ROAD, PINE CITY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #129.00-1-1.5 AND #129.00-1-1.6 ZONED AGRICULTURAL RESIDENTIAL (AR)

Resolution by: Parsons
Seconded by: Peterson

WHEREAS, on or about May 8, 2018, the Spaniel Association submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to host the National Cocker Championship event located at Lewis Road, Pine City (Town of Southport), tax map #129.00-1-1.5 and #129.00-1-1.6 zoned Agricultural Residential (AR); and

WHEREAS, the application was submitted to the Planning Board to operate as an Outdoor Commercial Recreational Use per the Town Code 525-118; and

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

WHEREAS, the Planning Board conducted a public hearing on Monday, August 6, 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 the Spaniel Association with the following conditions:

1. Designated individual shall contact the Town of Southport Highway Department and public services for traffic control on Lewis Road.
2. There shall be no Recreational Vehicles parked on Lewis Road.

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

Public Hearing - Site Plan Amendment of Todd Curren of Curren RV for expanded storage and display of campers, recreation vehicles, and utility trailers in association with operation of retail business located at 1365 Pennsylvania Avenue, Pine City, New York
Tax map #108.04-1-13.2
Zoned Agricultural Residential (AR)

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

Robert Baker, 4347 Coryland Road, Gillett, Pennsylvania represented his daughter Vicki Young, who lives at 1353 Pennsylvania Avenue, Pine City who was not able to attend the meeting. He presented the Board with a letter and pictures from her.

Mike Stephens, 15 Summit Drive, Pine City wondered how much lot coverage there would be and would like a summary of the application.

Charles VanDusen, 1370 Pennsylvania Avenue, Pine City explained that he lives across from Curren RV. He stated that the dump trailers were parked approximately 150 feet from Ms. Young's front door. There was a big hole next to her property where water collects. There has been tall grass and felt the Currens have not been taking care of their property and asked where the respect was for their neighbor.

David Cleary, 59 Crestview Drive West, Pine City stated that he knows Todd Curren and his family and stated that they do a wonderful job and a tremendous service to our community. They do a good job maintaining the property.

No one else wished to be heard. The public portion of the meeting was closed at 7:23 p.m.

The Board discussed the letter from Ms. Young. She stated that the business was an invasion of privacy, the trailers for sale have people roaming through the lot at all hours. There was standing water concerns, weeds growing up and around rocks and trailers, and she was concerned with the chemical spraying of the weeds. The construction activities were not done at normal business hours, and would like a fence similar to her fence be put up as a barrier and buffer.

Mr. Curren objected to the letter being handed in and the public not being able to see it. He explained that the gravel project, installation of the fence and the site would be improved once he had site plan approval. He has approval from the Chemung County Department of Public Works to create another driveway entrance.

The Board discussed the height and maintenance of the fence, vehicles and trailers are to be stored 15-foot from the property line, the gravel used for the driveway and a barricade across the entrance to control activity after hours. The construction of the fence is a priority.

The conditions discussed were as follows:

1. Drainage off of new driveway does not discharge water onto adjacent property.

2. Surface restoration would be large cobblestone with #2B gravel on top of that.
3. No chemical spray used within 10 feet from the Youngs property line.
4. Limit construction activity to normal working hours 8:00 a.m. to 5:00 p.m.
5. Storm Water Pollution Prevention Plan (SWPP) compliance and keep disturbance under one (1) acre.
6. Add a chain barrier to the driveway entrance to restrict access after business hours.
7. Construction of fence buffer is a priority.

The Board did not have any further comments. Board Member French made a motion to accept the site plan as presented with conditions; Board Member Collins seconded the motion. SEQR was declared an Unlisted Action negative declaration. Discussion on the motion was that the construction of the fence would be a priority.

Resolution No. 012-2018 PB

SITE PLAN AMENDMENT GRANTED TO TODD CURREN OF CURREN RV SALES TO EXPAND STORAGE AND DISPLAY OF CAMPERS, RECREATION VEHICLES, AND UTILITY TRAILERS IN ASSOCIATION WITH OPERATION OF THE RETAIL BUSINESS LOCATED AT 1365 PENNSYLVANIA AVENUE, PINE CITY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #108.04-1-13.2 ZONED AGRICULTURAL RESIDENTIAL (AR)

Resolution by: French
Seconded by: Collins

WHEREAS, on or about June 15, 2018, Todd Curren submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for an amendment to his Site Plan to expand the display and storage of campers, recreation vehicles and utility trailers located at 1365 Pennsylvania Avenue, Pine City (Town of Southport), tax map #108.04-1-13.2 zoned Agricultural Residential (AR); and

WHEREAS, the application was submitted to the Planning Board as Vehicle storage, sales and repair per the Town Code 525-110 ; and

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

WHEREAS, the Planning Board conducted a public hearing on Monday, August 6, 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 Amendment of Todd Curren with the following conditions:

1. Drainage off of new driveway does not discharge water onto adjacent property.
2. Surface restoration would be large cobblestone with #2B gravel on top of that.
3. No chemical spray used within 10 feet from the Youngs property line.
4. Limit construction activity to normal working hours 8:00 a.m. to 5:00 p.m.
5. Storm Water Pollution Prevention Plan (SWPP) compliance keep disturbance under one (1) acre.
6. Add a chain barrier to the driveway entrance to restrict access after business hours.

AYES: Collins, French, Hastings, Parsons, Peterson, Steed, West

NOES: None

ABSENT: Berman

MOTION CARRIED.

Public Hearing - Special Use Permit of David and Amy Cleary to convert second floor of garage into apartment located at 59 Crestview Drive West, Pine City, New York
Tax map #108.00-1-34.2
Zoned Residential 1 (R1)

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 8:12 p.m.

The Board discussed the septic system approval, that the apartment was for a family member and there was sufficient parking.

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

Resolution No. 013-2018 PB

SPECIAL USE PERMIT GRANTED TO DAVID AND AMY CLEARY TO CONVERT SECOND FLOOR OF GARAGE INTO APARTMENT FOR FAMILY MEMBER LOCATED AT 59 CRESTVIEW DRIVE WEST, PINE CITY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #108.00-1-34.2 ZONED RESIDENTIAL 1 (R1)

Resolution by: Collins
Seconded by: Peterson

WHEREAS, on or about June 18, 2018, David Cleary submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Special Use Permit to convert the second story of his garage into an apartment for a family member located at 59 Crestview Drive West, Pine City (Town of Southport), tax map #108.00-1-34.2 zoned Residential 1 (R1); and

WHEREAS, the application was submitted to the Planning Board as an allowable use per the Town Code 525-89 Accessory dwelling units; and

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

WHEREAS, the Planning Board conducted a public hearing on Monday, August 6, 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 Special Use Permit of David and Amy Cleary.

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

Public Hearing - Site Plan of Mark Curren on behalf of Randy Peterson to construct a 72 foot by 48 foot accessory structure located at 1261 Pennsylvania Avenue, Pine City, New York
Tax map #109.03-1-8.2
Zoned Residential 2 (R2)

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 8:16 p.m.

The Board discussed the use of the accessory structure would be for personal storage. No lights would be installed at this time but the owner is researching solar panels. Lights would have to be shielded from the neighbors.

The Code Officer explained it was before the Board because of the size of the accessory building per Town Code 525-87 (B)(4).

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

Resolution No. 014-2018 PB

SITE PLAN GRANTED TO MARK CURREN ON BEHALF OF RANDY PETERSON TO CONSTRUCT A 72 FOOT BY 48 FOOT ACCESSORY STRUCTURE FOR PERSONAL USE LOCATED AT 1261 PENNSYLVANIA AVENUE, PINE CITY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.03-1-8.2 ZONED RESIDENTIAL 2 (R2)

Resolution by: Peterson
Seconded by: West

WHEREAS, on or about June 20, 2018, Mark Curren submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to construct a 72 foot by 48 foot accessory structure for personal use located at 1261 Pennsylvania Avenue, Pine City (Town of Southport), tax map #109.03-1-8.2 zoned Residential 2 (R2); and

WHEREAS, the application was submitted to the Planning Board since the accessory structure was larger than 1,500 square feet of gross floor area per the Town Code 525-87 (B)(4) Accessory structures; and

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

WHEREAS, the Planning Board conducted a public hearing on Monday, August 6, 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 Mark Curren on behalf of Randy Peterson with the following condition:

1. Any lighting installed shall be situated so that the glare is away from any neighbor.

AYES: Collins, French, Hastings, Parsons, Peterson, Steed, West

NOES: None

ABSENT: Berman

MOTION CARRIED.

Public Hearing - Site Plan application of Brandon Ameigh to operate an auto detailing business located at 1121B S. Main Street, Elmira, New York
Tax map #109.08-5-1
Zoned Commercial Neighborhood (CN)

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 8:21 p.m.

The Board discussed there being three customer vehicles on the lot a one time, the use of biodegradable products, and installing a grease trap. Mr. Ameigh said he would not offer the degreasing service.

The Board did not have any further comments. Chairman Steed made a motion to accept the site plan with conditions; Board Member Peterson seconded the motion. SEQR was declared an Unlisted Action negative declaration. There was no discussion on the motion.

Resolution No. 015-2018 PB

SITE PLAN GRANTED TO BRANDON AMEIGH TO OPERATE AN AUTO DETAILING BUSINESS LOCATED AT 1121 B SOUTH MAIN STREET, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.08-5-1 ZONED COMMERCIAL NEIGHBORHOOD (CN)

Resolution by: Steed
Seconded by: Peterson

WHEREAS, on or about June 19, 2018, Brandon Ameigh submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to operate an auto detailing business located at 1121 B South Main Street, (Town of Southport), tax map #109.03-1-8.2 zoned Residential 2 (R2); and

WHEREAS, the application was submitted to the Planning Board to operate as vehicle repair per the Town Code 525-5 Definitions-Vehicle Repair; and

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

WHEREAS, the Planning Board conducted a public hearing on Monday, August 6, 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 Brandon Ameigh with the following conditions:

1. Cleaning agents used are environmentally friendly and biodegradable.
2. There is a maximum of three (3) customer cars on the lot at a time.
3. No engine degreasing to take place on the property.

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

Next item on the agenda was review of the site plan amendment of Terry Youngs to construct a 36 foot by 50 foot addition to exiting pole building and construct a new 40 foot by 96 foot pole style building located at 111 South Kinyon Street, Elmira, New York tax map #99.19-2-32 zoned Industrial (I).

Mr. Youngs explained the buildings are for personal storage. There would be no outside lighting. The buildings will be the same construction and color as the existing buildings.

The Board discussed the setbacks. The Code Officer explained the height of the building is the required side yard setback. The Board asked Mr. Youngs to verify his property lines and that the stormwater discharge remains on the property.

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

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Vice Chairman Parsons seconded the motion. All were in favor. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney