



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Regular Meeting

**Monday, November 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, November 5, 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: Chad West, Alternate

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

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 October 1, 2018 minutes. Hearing no comments, the Board accepted the minutes as presented.

**Public Hearing –** Tops Markets, to construct a fuel canopy and kiosk located at 1600 Cedar Street, Elmira, NY  
Tax map #109.12-1-11  
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.

Zack Plonka with CHA presented the project to the Board. He explained the additional details as to how they would modify the pavement. The proper asphalt would be replaced. The signage would be within the square footage required by Town Code. He explained the stormwater grading plan, the drainage ditch that runs

along the site and the two catch basins. The hydrocarbon filters with smart sponge would be changed periodically. He explained the lights under the canopy.

The Southport Fire Chief Allington did not have any issues with the project. He suggested a fire hydrant on the site for the entire plaza. It would be for the landlord to pursue.

The Board discussed discharge of the stormwater off of the property into the New York State Department of Transportation (NYSDOT) right-of-way and that a work permit would be required from NYSDOT. The hydrocarbon filter would be a condition on the site plan to be maintained and replaced every year at a minimum.

The Board did not have any further comments. Board Member Berman made a motion to accept the site plan with conditions; Board Member Peterson seconded the motion. SEQR was declared an Unlisted Action negative declaration.

**Resolution No. 017-2018 PB**

**SITE PLAN GRANTED TO TOPS MARKETS TO CONSTRUCT A FUEL CANOPY AND KIOSK LOCATED AT 1600 CEDAR STREET, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.12-1-11 ZONED COMMERCIAL REGIONAL (CR)**

**Resolution by: Berman**  
**Seconded by: Peterson**

**WHEREAS**, on or about September 10, 2018, Tops Markets submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to construct a 3,000 SF fuel canopy and kiosk within existing parking lot located at 1600 Cedar Street, Town of Southport, tax map #109.12-1-11 zoned Commercial Regional (CR); and

**WHEREAS**, the application was submitted to the Planning Board and defined as a Vehicle filling station per the Town Code 525-110 Vehicle filling stations, vehicle repair, vehicle sales and heavy equipment vehicle sales and/or repair, and/or contractor's equipment yard; and

**WHEREAS**, the application was referred to the Chemung County Planning Board on September 20, 2018 pursuant to New York State General Municipal Law §239-m, and the County Planning Board raised no objection to the Project; and

**WHEREAS**, the Planning Board held a duly noticed meeting on October 1, 2018, at which the Applicant presented information about the project; and

**WHEREAS**, the Planning Board conducted a public hearing on Monday, November 5, 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 Tops Markets with the following conditions:

1. Hydrocarbon filter is replaced per manufacturers recommendation or one year minimum.
2. A NYSDOT highway work permit is obtained and approved.
3. Obtain NYSDEC Bulk Storage approval.

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

**NOES: None**

**ABSENT: None**

**MOTION CARRIED.**

Next was review of the site plan of J. Kelsey Jones to operate a tax preparation business located at 1834 Pennsylvania Avenue, Pine City, New York. Tax map #127.00-1-12 zoned Commercial Neighborhood.

Board Member Collins is acquainted with Mr. Jones and would abstain from voting on the site plan.

Mr. Jones explained his tax business consisted of approximately 40 clients. It was a small operation that operates February through April. There are no employees. The house would be used for the business only and two cars easily fit in the driveway. He may install a sign in the future. The Chemung County Planning Board stated that a NYSDOT work permit would have to be obtained if any work was done in the right-of-way.

There were no further comments from the Board. Chairman Steed set a public hearing for Monday, December 3, 2018 at 7:00 p.m. or as soon thereafter as it can be heard.

Next the Board discussed the solar moratorium and meeting with NYSERTA to discuss a town ordinance. NYSERTA suggested using the model law that they

provided. The committee talked about strengthening the decommission and maintenance section. NYSERTA would draft a model for the Town and the committee would have something by the January meeting.

Chairman Steed asked for an update on the UpState cell tower lawsuit. UpState was suing the Board of Appeals and the Planning Board because of their denial of the area variance and site plan application to construct a cell tower at the end of Budd Street. The Case was filed with the United States District Court.

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 7:45 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney