



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, March 4, 2019
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, March 4, 2019 at 7:00 p.m.

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

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Ed Primo, Town Attorney
Joseph Roman, Deputy Town Supervisor

Chairman Parsons 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 February 4, 2019 minutes. Hearing no comments, the Board accepted the minutes as presented.

Next on the agenda was re-appointment of Board Member Larry Berman whose term expires April 1, 2019. Board Member Peterson made a motion to recommend to the Town Board to re-appoint Larry Berman to the Planning Board for another term to expire April 1, 2026; Board Member French seconded the motion. No discussion on the motion. All in favor.

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

Chairman Parsons read a letter from Tim Steed resigning from the Planning Board effective February 13, 2019. The Board thanked him for his service and said that he would be missed.

Chairman Parsons made a motion to recommend to the Town Board to appoint the Alternate Board Member, Chad West to the Planning Board filling the unexpired term of Tim Steed whose term is to expire April 1, 2020. Board Member French seconded the motion. No discussion on the motion. All in favor.

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

NOES: None

MOTION CARRIED.

The Board set up a subcommittee to interview for the Alternate Board Member position. Board Members French, Hastings and Parsons will meet with applicants on March 14, 2019 starting at 6:30 p.m.

Next was review of the site plan of William Pedrick to convert his existing garage into mini-storage located at 801 Hazel Street, Elmira, NY tax map #109.06-2-1 zoned Commercial Neighborhood. Mr. Pedrick explained his plan to convert the three-bay garage at 801 Hazel into nine mini storage units. There would be no exterior changes to the building, he will add a motion light on the front of the building and traffic is minimal. There have been no issues or complaints on the existing mini storage business around the corner.

Mr. Pedrick questioned why he had to appear before the Planning Board since he had a variance from 2007 on the property that allowed for mechanical work. Attorney Primo explained that the Code Officer made an interpretation that the business would operate as mini storage and would require Site Plan approval from the Planning Board. The Planning Board is not the Board to challenge the interpretation, he would have to submit an application to the Board of Appeals to proceed. Mr. Pedrick then agreed with the Code Officer's interpretation.

There were no further comments from the Board. Chairman Parsons set a public hearing for Monday, April 1, 2019 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was discussion regarding the intent to become Lead Agency for the Cleary project. Attorney Primo explained that the Town Board does not have jurisdiction to act as Lead Agency and will rescind their resolution to be Lead Agency at the March 12, 2019 meeting. The Planning Board will take action under SEQR at the April 1, 2019 meeting. The Planning Board has to be done with the environmental review before any final approvals can be issued. The Town Board will notify NYSDOT by sending them the new resolution.

Next was review of Site Plan of Fagan Engineers, on behalf of David and Robert Cleary, to construct and operate a new 6,200 square foot convenience store and drive-thru restaurant and fuel station on the lots zoned Commercial Regional located at:

1156 Broadway, Elmira, New York Tax map #109.10-1-25
985 Sebring Avenue, Pine City, New York Tax map #109.10-1-29
987 Sebring Avenue, Pine City, New York Tax map #109.10-1-28
989 Sebring Avenue, Pine City, New York Tax map #109.10-1-27

James Gensel, with Fagan Engineers presented the new site plan to the Board that showed more details. He presented the elevation plan showing how the building would be set up with a convenience store and rental space for a restaurant.

The Board discussed the façade, lights on the building, lighting analysis, fuel canopy, fuel pumps, Stormwater, fencing, catch basins, connection to public water and sewer, sprinklers, parking area for vacuum pumps, Area Variance for form-based code requirements, landscaping, required County Highway work permit, truck turn and traffic. The following was requested from Fagan Engineers by March 20 deadline:

1. Add continuous sidewalk at entrance for public access
2. NYSDOT trip generation
3. Fencing at 7 feet high, higher requires variance
4. Documentation showing impact on Sebring Avenue with core samples
5. Address drive-thru speaker noise

Attorney Primo explained that the Board of Appeals would not be able to act or make any decision at their March 20, 2019 meeting until there is a SEQR determination by the Lead Agency which is the Planning Board. The Planning Board will meet on April 1, 2019.

Chairman Parsons asked the members of the community that were in attendance if they had any comments.

Melissa Molter of 983 Sebring Avenue, Pine City, NY stated that her house is next to the project. Her concerns were the fuel tanks being stored under her back yard, the dumpster behind her house, the drive-thru noise and traffic out onto Sebring Avenue.

Phil Rafferty of 14 Dalrymple Avenue, Pine City, NY was concerned with the lighting spilling onto neighbors, traffic on Sebring Avenue and hours of operation.

Kathleen Oplinger of 986 Sebring Avenue, Pine City, NY was concerned with the speeding traffic on Sebring Avenue.

Attorney Primo explained that the Planning Board could have the Public Hearing on April 1, 2019 and get public input. The Public Hearing could remain open

but once it is closed then they will have 62 days to make determination. Approval would not be made until the May 6 meeting.

There were no further comments from the Board. Chairman Parsons set a public hearing for Monday, April 1, 2019 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was referral from the Town Board regarding amendment to Chapter 464 Subdivision of Land. It was reviewed in 2011 but never completed. The current Code refers to 1975 Code. The Board tabled the referral until the April meeting.

No other business to come before the Board. Board Member Peterson made a motion to adjourn the meeting; Vice Chairman Collins seconded the motion. All were in favor. The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney