



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Regular Meeting

**Monday, April 1, 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, April 1, 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  
Leslie Connolly, Town Attorney  
Joe Roman, Town Council Member

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 March 4, 2019 minutes. Chairman Parsons talked about the comment from Melissa Molter regarding the fuel tanks being stored under her backyard and clarified that they would be stored on the project site. Hearing no other comments, the Board accepted the minutes as presented.

Public Hearing - 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 that can be accessed from inside of the building. There would be no exterior changes to the building. He will add a motion light on the front of the building.

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

Charline Cummings of 21 Dalrymple Avenue, Pine City asked what the hours of operation would be, if the storage units could be accessed 24 hours, if they would be locked and about outside lighting.

No one else wished to be heard, the public portion of the meeting was closed at 7:06 p.m.

The Board discussed that there would be no exterior renovations just improvements to the building. There would be three new garage doors and lighting would be downcast. The units could be accessed 24 hours a day and all units require a lock.

There were no further comments from the Board. Board Member French made a motion to accept the site plan as presented with conditions; Vice Chairman Collins seconded the motion. SEQR was declared an Unlisted Action, Uncoordinated Review with a Negative Declaration.

**Resolution No. 003-2019 PB**

**SITE PLAN GRANTED TO WILLIAM PEDRICK TO CONVERT EXISTING GARAGE INTO NINE MINI STORAGE UNITS LOCATED AT 801 HAZEL STREET, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.06-2-1 ZONED COMMERCIAL NEIGHBORHOOD (CN)**

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

**WHEREAS**, on or about February 18, 2019, William Pedrick submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to convert existing garage into nine mini storage units located at 801 Hazel Street, Town of Southport, tax map #109.06-2-1 zoned Commercial Neighborhood (CN); and

**WHEREAS**, the application was submitted to the Town Planning Board and defined as Storage Facility, Mini-Unit per the Town Code 525-5 Definitions; and

**WHEREAS**, the Town Planning Board held a duly noticed meeting on March 4, 2019, at which the Applicant presented information about the project; and

**WHEREAS**, the Town Planning Board conducted a public hearing on Monday, April 1, 2019 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 Town Planning Board hereby grants approval for the Site Plan of William Pedrick as presented with the following condition:

1. Outside lighting is night sky compliant.

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

Next was discussion regarding the intent to become Lead Agency for the Cleary project. Attorney Connolly explained that the Town Board rescinded their resolution to be Lead Agency at the March 12, 2019 meeting. The Planning Board is the more appropriate Agency to conduct the SEQR review. When final SEQR determination is made, it will include a review of the NYS Grant to address potential SEQRA segmentation concerns.

Public Hearing - 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 gave a brief overview of the project to construct and operate a new 6,200 square foot convenience store and drive-thru restaurant and fuel station. They have removed the vacuums from the project. He stated that the properties have been zoned commercial since 1967 and that the project is an allowable use per Town Code.

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

Doris Farmer-Raymond of 976 Sebring Avenue, Pine City was concerned about the ingress and egress onto Sebring Avenue and is opposed to that. She was

concerned about the safety of the children walking because there were no lines or sidewalks on the road. It will change the neighborhood. She is not against development but does not want extra traffic on Sebring Avenue. She was concerned about trash blowing all over like the Dollar General site does. She stated that one side of Sebring Avenue is commercial and one side is residential and asks how does the Town manage that.

Charline Cummings of 21 Dalrymple Avenue, Pine City asked about the hours of operation. She was concerned with the increase noise for the neighborhood and the school bus traffic on Dalrymple Avenue and Sebring Avenue. The busy traffic from the egress could hurt someone. She asked about the outside lighting and if a fence would be around the property.

Sue Johnston of 904 Sebring Avenue, Pine City was concerned with a lot of traffic during school functions, school buses that park on Sebring Avenue, and that there are no sidewalks. She stated that the addition of traffic onto Sebring Avenue will add to the already existing abundant traffic. There are no sidewalks or lines. The traffic at Manor and Broadway is congested.

Gary Allington 972 Sebring Avenue, Pine City presented pictures to the Board demonstrating a truck driving through a corner lot on Sebring and Manor Drive. It was not able to make the turn. He feels the same will happen with the new business.

Kathleen Oplinger 986 Sebring Avenue lives across the street from the project. She is concerned with the location of the egress and backup of traffic including traffic coming from Chapel Park at the light. Getting out of Manor Drive onto Broadway is a concern. She was concerned with the headlights facing her house coming out of the egress. Her concerns were the outside lighting, sound noise, and increased traffic. She asked about the ordinance Ch525-112 entrances shall be separated by 50 feet from residential to business.

Mike Stephens of 15 Summit Drive, Pine City, stated that the project was not in line with the Comprehensive Plan because there is no walkability to the building which is located in the middle of the parking lot. Pedestrian would have to walk through one of the entrances because there was no sidewalk access from the existing sidewalks to the building. He thought that the multi-use the Comprehensive Plan was looking for was residential and commercial mix.

Melissa Molter of 983 Sebring Avenue, Pine City had the same concern addressed by the other residents. Her main concern is her property being surrounded by this business. She is concerned with the egress onto Sebring Avenue, the drive through coming down her property line, and her privacy from all of this. She asked the Board if 23 parking spaces is enough parking for employees and customers, and where would the overflow parking end up.

Dan Williams of 148 Mt. View Drive, Pine City was in favor of the project. He looked at developing the site. The grant was written looking for a food vendor. He does not live right near there, but stated that the property is zoned commercial. It is a responsible development with a local developer on a commercial zoned property. The developer drives by the property every day and runs a good business. There is a lot of traffic on the road to Chapel Park and it is not zoned commercial.

Todd Curren of 1365 Pennsylvania Avenue, Pine City stated that the Town needs responsible development. The Cleary properties are well taken care of. He understands the residents' concerns but that property needs to be developed and cannot think of a better use for it. The Town would gain the gas tax and it is a place for local employees to have lunch.

No one else wished to be heard, the public portion of the meeting was closed at 7:34 p.m. and turned back over to the Board for discussion.

Mr. Gensel talked about adjusting the turning radius on the Sebring Avenue egress so there would be sufficient room for deliveries. They worked with Chemung County Department of Public Works to have the driveway on Broadway. The drive through speaker is now smaller and it is angled back towards Dixie Lanes, not the residence. It is within ambient noise range. They have removed the vacuums from the site plan. The lighting plan shows lights on the building and in the gas canopy which is all dark sky compliant. There would be no pole lights. The driveways are located in areas that are allowed. NYSDOT would not allow a driveway onto Pennsylvania Avenue.

Mr. Gensel and the Board discussed that there were no lines on the streets throughout the Town. Mr. Gensel would look into adding a sidewalk. He would add the sidewalk across Broadway to the plans. The neighborhood has been zoned commercial from Manor Drive to Pennsylvania Avenue since 2016. The hours of operation would be 5am-11pm. The peak hours would mimic the activity in the area. There is school bus traffic all over except Clemens Center Parkway. A 7-foot tall solid fence would be installed around the shared property lines. There will be diesel and ethanol free fuel. Fuel would be delivered 1-2 times per week with a 5-minute idling limit on delivery trucks. The dumpster would be enclosed. Traffic signal timing needs to be updated by NYSDOT. Plantings are not allowed in State right-of-way. Fagan Engineers may add sidewalks to be more walkable and look into adding a bike rack. Exit arrow signs would not interfere with clear vision. Chapter 525-112 refers to drive thru uses and multiple driveways. The number of parking spaces is per site plan review and set by the Planning Board.

Mr. Gensel asked for approval to submit documents by April 26, 2019 instead of April 17. The Board agreed.

The following was still requested from Fagan Engineers:

1. Add continuous sidewalk at entrance for public access
2. NYSDOT trip generation
3. Documentation showing impact on Sebring Avenue with core samples

There were no further comments from the Board. Chairman Parsons explained that the Public Hearing would remain open until May 6, 2019 at 7:00 p.m.

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 May meeting.

Next was discussion about the Alternate Planning Board member position. The Board agreed to move into executive session to discuss the candidates that they interviewed. Board Member French made a motion to move into executive session; Vice Chairman Collins seconded the motion. There was no discussion on the motion. All were in favor. The Board moved into executive session at 8:30 p.m.

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

Board Member West made a motion to close the executive session at 8:39 p.m. Board Member Peterson seconded the motion.

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

Board Member French made a recommendation to the Town Board to appoint Jennifer Herrick-McGonigal as the Alternate Planning Board Member term to expire April 1, 2022. They suggested that the other letters of interest be submitted to the Board of Appeals for their review. Chairman Parsons seconded the recommendation.

**AYES: Berman, Collins, French, Hastings, Parsons, Peterson, West**  
**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 Peterson seconded the motion. All were in favor. The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney