



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, May 6, 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, May 6, 2019 at 7:00 p.m.

Board Members Present: Larry Berman
Dan Collins, Vice Chairman
Jacquelyn French
John Hastings
Jennifer Herrick-McGonigal
Chris Parsons, Chairman
Chad West

Board Member Absent: Trish Peterson

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Leslie Connolly, Town Attorney
Joe Roman, Deputy 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 April 1, 2019 minutes. Hearing no comments, the Board accepted the minutes as presented.

The Board welcomed Jennifer Herrick-McGonigal as the new Alternate Board Member. Her term expires April 2022.

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 (CR) 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

The Public Hearing continued from April 1, 2019. James Gensel with Fagan Engineers presented the revised site plan showing sidewalk additions. He explained that the project received four Area Variances from the Board of Appeals for lot size, fuel canopy setback, drive isle width and building setback.

Mr. Gensel discussed the traffic data and summary. He will provide the traffic summary to the Planning Board and for the public to view on the Town website. The core sample was completed on Sebring Avenue. Pennsylvania Avenue sidewalk needs to be reviewed and have a consent by NYSDOT. The Town would have to review the sidewalk on Broadway.

The Chairman then opened the Public Hearing for comment.

Doris Farmer-Raymond of 976 Sebring Avenue, Pine City was still concerned about the increased traffic generated on Sebring Avenue and the study does not address Sebring Avenue. She asked how they plan to keep it safe and recommended speed bumps and adding no parking signs on Sebring Avenue. She asked if it was an entrance and an exit onto Sebring Avenue. She requested it to be just an exit with no right-hand turn. She wants the residents to be notified about any changes happening to the neighborhood. She felt that the project will change the neighborhood dramatically.

Melissa Molter of 983 Sebring Avenue, Pine City would like the Cleary's to install a fence taller than 7 foot for more privacy. She was also concerned about the traffic.

Charline Cummings of 21 Dalrymple Avenue, Pine City asked about the Planning Board being Lead Agency and obtaining liability insurance, as the Town would be liable. She asked if the Board already accepted the Grant and a contingency plan to repay the Grant if they do not meet its requirements. She asked about the gas tanks in the ground and how homeowners would have higher insurance rates because of them. She asked about the Area Variances.

Bill Cook of 988 Sebring Avenue, Pine City is in favor of the project. He asked about the stormwater drains and the sewer drains. He talked about the traffic data and the traffic between 7:00 a.m. to 8:00 a.m. coming out of Pine City being stacked up clear to Dalrymple Avenue. There should be a right turning lane onto Broadway from Pennsylvania Avenue. He asked how Fagan Engineer plans to handle the traffic volume at peak times. He explained that the residents will not be able to get out onto Pennsylvania Avenue during peak hours. He requested that the State add a turning lane on Pennsylvania Avenue turning right onto Broadway.

No one else wished to be heard, the public portion of the meeting was closed at 7:36 p.m. and turned back over to the Board for discussion.

Mr. Gensel talked about the right turning lane onto Broadway. He stated that the traffic stacking up filters out during 1 or 2 light cycles. The reason for a no right-hand turn out of the site is to mitigate the traffic at the Sebring Avenue and Pennsylvania Avenue intersection. He stated that speed bumps are not an acceptable control device but raised intersections are acceptable. The Town Highway Superintendent would have to request no parking signs on Sebring Avenue or the Planning Board could make a recommendation to the Town Board. Fagan Engineers and the Town "Errors & Omissions" are covered. The Grant has not been received by the applicant yet. The in-ground fuel tanks are regulated by NYS DEC. Stormwater will be collected on site, infiltrating into the ground through a drywell system. They will connect to public sewer on Broadway. The existing septic systems would be demolished appropriately. The elevation of the building would be the same as what is there now. The community is notified by a legal notice placed in the designated newspaper and by placing public hearing signs on the proposed development site. It is not required by State to mail notices to the residents.

Mr. Gensel stated that the drive-thru speaker noise is below the decibel level. It has been re-angled and it would not affect the neighbor. The height of the drive-thru window would be six foot to top of the window and would be under the fence-line.

There is no maximum fence height in a CR zone therefore the fence around 983 Sebring Avenue could be 8 foot to mitigate privacy issues. The Board discussed the 983 Sebring Avenue residence being able to obtain homeowner insurance or it could destroy the property value. They discussed the bowling alley operating as a restaurant and the current residents next to the Mobil gas station on Broadway. They asked if the insurance was being revoked or was it an inquiry to the insurance company. Mr. Gensel will investigate the higher insurance rates because of underground tanks nearby.

Next the Board discussed the need for an Environmental Impact Statement, the full SEQR review and Part 2 of the Full Environmental Assessment Form (EAF) to see if there were any significant impacts and how they would be mitigated. Traffic was the major concern. They discussed the exhaust mitigation and how it would minimize the cooking smells with minimum noise.

The Board discussed some of the conditions:

1. 5 minute idling on trucks are State mandated
2. Hours of operation are as stated 5:00 a.m.-11:00 p.m.
3. No parking signs recommendation to Town Board
4. Fence height
5. DOT to approve sidewalks and crosswalk
6. Permits required from DOT and DEC

The following was requested from Fagan Engineers by the Planning Board deadline May 15, 2019:

1. Submit a draft of Part 3 of the Full EAF to the Town Attorney for review.
2. Submit the traffic summary in PDF form to the Town by Friday, May 10, 2019 for final public written input.

There were no further comments from the Board. Chairman Parsons explained that the Public Hearing would remain open for written comment until May 31, 2019 and be discussed at the June 3, 2019 Planning Board meeting.

Next was review of the Site Plan of Todd Curren to park and sell campers located at 1445 Pennsylvania Avenue, Pine City, NY tax map #118.01-3-25 and #118.01-3-26.1 zoned Commercial Neighborhood.

Mr. Curren explained that he was parking the overflow of campers for sale at the old Shepherd's store located at 1445 Pennsylvania Avenue. He would not park campers in front of the existing building. There would be no signage, lighting or changes to the site.

There were no further comments from the Board. Chairman Parsons set a public hearing for Monday, June 3, 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. The Board tabled the referral until the June meeting.

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Board Member West seconded the motion. All were in favor. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney