



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, June 1, 2020
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, June 1, 2020 at 7:00 p.m.

Board Members Present: Larry Berman
Jacquelyn French
Jennifer McGonigal, Alternate
Trish Peterson
Chad West

Board Members Present Remotely: Dan Collins, Vice Chairman
John Hastings
Chris Parsons, Chairman

Board Member Absent: None

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

Others Present Remotely: Leslie Connolly, Town Attorney
Kathy Szerszen, Town Supervisor

Chairman Parsons called the meeting to order on or about 7:07 p.m. He asked if the Board Members had any comments, questions, concerns or corrections about the May 4, 2020 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

Public Hearing – Matt Stuart to construct a 40-foot by 40-foot pole style building to operate Loveless Blacktopping located at 123 Bob Masia Drive, Pine City, NY
Tax map # 109.00-1-37.22
Zoned Industrial

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 7:12 p.m. and was turned back over to the Planning Board.

Mr. Stuart stated that the hours of operation would include Saturdays from 8:00 a.m. to 4:00 p.m. The building would be constructed of the same material as the existing building and that no oil changes would be done inside the building.

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, with a Negative Declaration.

Resolution No. 004-2020 PB

SITE PLAN APPROVAL GRANTED TO MATT STUART TO CONSTRUCT A 40-FOOT BY 40-FOOT POLE STYLE BUILDING TO OPERATE LOVELESS BLACKTOPPING LOCATED AT 123 BOB MASIA DRIVE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.00-1-37.22 ZONED INDUSTRIAL

Resolution by: French
Seconded by: Collins

WHEREAS, on or about February 26, 2020, Matt Stuart submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to construct a 40-foot by 40-foot pole style building to continue to operate Loveless Blacktopping located at 123 Bob Masia Drive, Town of Southport, tax map # 109.00-1-37.22 zoned Industrial; and

WHEREAS, the Town Planning Board held a duly noticed meeting on May 4, 2020 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on June 1, 2020 at 7:00 p.m., 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 Matt Stuart, as presented, to construct a 40-foot by 40-foot pole style building located at 123 Bob Masia Drive, with conditions. Failure to make significant progress on the project within one (1) year from granting approval of this site plan will render the site plan null and void. Conditions shall be completed within one year unless otherwise stated.

1. Hours of operation are Monday through Saturday 8:00 a.m. to 4:00 p.m.

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

Next was site plan review of Charlie Todd to construct a 60-foot by 80-foot pole barn to operate a farmer's market and event center at Chamberlain Acres located at 824 Broadway, Elmira, NY, tax map #99.18-5-18 zoned Commercial Neighborhood. Mr. Todd was not present. The Board tabled the review of his Site Plan until the July 6, 2020 Planning Board meeting. The Board discussed the response from the Chemung County Planning Board regarding the Todd application. The County was concerned with the parking and connection to the public sewer or septic. NY State DOT would like the Short EAF completed. Attorney Connolly will contact Mr. Todd's legal representative.

Attorney Connolly explained that the site plan approval would be contingent upon the Town Board amending the Town Code to allow for an "Event Center." The Board discussed the referral from the Town Board to amend Town Code to allow for "Event Center" as a permitted use.

The Board discussed if an Event Center was good for the Town, what zone would it be allowed in, does it fit in the existing neighborhoods, does it have adequate parking, and setting parameters such as traffic, noise, buffers, and hours of operation. They discussed Special Use Permits and conditions which protect the neighbors and the Town. Attorney Connolly explained that changing the zoning is not something the Town does frequently in consideration of the neighborhood and that the definition of event center established by Town Board must be appropriate for the district. The Code Officer talked about how the neighbors reacted to the rodeo in the Agricultural Residential zone and advised the Planning Board to be careful what to allow.

Vice Chairman Collins made a motion to recommend that the Town Board allow for "Event Center" as a permitted use subject to the Special Use

Permit review process and a Site Plan review in the Commercial Neighborhood zone; Chairman Parsons seconded the motion.

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

NOES: None

MOTION CARRIED.

Next was review of site plan of Nick Mastronardi for a minor subdivision of land located at Laurentian Place, Elmira, NY tax map #100.17-3-19.11 and 100.00-1-2.6 zoned Agricultural Residential.

Attorney Steve Barnstead presented the application on behalf of the applicant. He explained that it was a minor subdivision to divide 50 feet of the parcel and combine that with Mr. Mastronardi's house located at 434 Laurentian Place and then sell the remaining part of the parcel to the neighbor who would then combine it with his property located at 433 Laurentian Place.

There were no further comments from the Board. Vice-Chairman Collins made a motion to accept the Site Plan as presented; Board Member Peterson seconded the motion. SEQR was declared an Unlisted Action, with a Negative Declaration.

Resolution No. 005-2020 PB

**SITE PLAN APPROVAL GRANTED TO NICK MASTRONARDI FOR A MINOR
SUBDIVISION OF LAND LOCATED AT LAURENTIAN PLACE, TOWN OF
SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK,
TAX MAP #100.17-3-19.11 AND #100.00-1-2.6
ZONED AGRICULTURAL RESIDENTIAL**

Resolution by: Collins
Seconded by: Peterson

WHEREAS, on or about May 20, 2020, Attorney Steve Barnstead submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan for a minor subdivision of land located at Laurentian Place, Town of Southport, tax map #100.17-3-19.11 and #100.00-1-2.6 zoned Agricultural Residential; and

WHEREAS, the application was submitted to the Town Planning Board and defined as a Resubdivision of land per the Town Code Chapter 464-8 Resubdivision; and

WHEREAS, the Town Planning Board held a duly noticed meeting on June 1, 2020 at which the Applicant presented information about the project; and

WHEREAS, at that meeting the Town Planning Board determined the subdivision consisted solely of the simple alterations of lot lines and the normal subdivision procedures were waived and would not require a public hearing; 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 Nick Mastronardi, as presented, for a minor subdivision of land located at Laurentian Place. Failure to make significant progress on the project within one (1) year from granting approval of this site plan will render the site plan null and void. Conditions shall be completed within one year unless otherwise stated.

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

NOES: None

MOTION CARRIED.

Next was the referral from the Town Board to review the Wireless Telecommunication Service Facilities Law. Attorney Connolly explained that the Town had been working on this for several months with input from Verizon. The Board discussed recommended changes to the definition of Small Cell Facility and wanted clarification on the term "adjacent." There is a typo in section E, remove the little "a." In section M(2) it should read "The maximum height of a communications tower and antenna is limited to 200 feet above the ground upon which it is placed." Change the word "may" to "shall" in Section S Fees.

Chairman Parsons made a motion to recommend that the Town Board amend the Wireless Telecommunication Service Facilities Law with the stated changes; Board Member French seconded the motion

1. Clarify the term "adjacent" in the definition of Small Cell Facility.
2. Remove the little "a" typo in section E.
3. Section M(2) should read "The maximum height of a communications tower and antenna is limited to 200 feet above the ground upon which it is placed.", and
4. Change the word "may" to "shall" in Section S Fees.

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

NOES: None
MOTION CARRIED.

Next was the referral from the Town Board to review the Small Cell Facility Aesthetic Design Standard. Attorney Connolly explained it was to clearly define and outline the guidelines the applicant must follow to install Small Cell Facilities in the Town. The Board had no comments on the Aesthetics Criteria.

Chairman Parsons made a motion to recommend that the Town Board adopt the Small Cell Facility Aesthetic Design Standards as presented; Vice-Chairman Collins seconded the motion.

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

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Chairman Parsons seconded the motion. All were in favor. The meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
 Town Board
 Town Clerk
 Town Attorney