



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Regular Meeting

**Monday, August 3, 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, August 3, 2020 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

**Board Member Absent:**

Jennifer McGonigal, Alternate

**Others Present:**

Peter Rocchi, Code Enforcement Officer  
Michelle Murray, Secretary

**Others Joined Remotely:**

Leslie Connolly, Town Attorney  
Kathy Szerszen, 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 July 6, 2020 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

**Public Hearing –** John Zack site plan amendment to construct an enclosed outdoor patio for dining at Zack's Grill located at 1825A Pennsylvania Avenue, Pine City, New York  
Tax map #127.00-1-15.213  
Zoned Commercial Neighborhood

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 7:03 p.m. and was turned back over to the Planning Board.

Mr. Zack explained that he will use a metal fence around the concrete patio, it will not have a roof over the patio, there will only be an egress out of the patio and he will install lights on the poles and side of the building that will shine downward. He will install concrete bollards around the patio area for protection from the cars in the parking lot. The hours of operation will be Sunday through Wednesday 7:00 a.m. to 9:00 p.m. and Thursday through Saturday 7:00 a.m. to 10:00 p.m.

Hearing no other comments from the Board, Board Member French made a motion to accept the site plan amendment as presented; Board Member Berman seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration. No further discussion on the motion.

**Resolution No. 006-2020 PB**

**SITE PLAN AMENDMENT APPROVAL GRANTED TO JOHN ZACK TO  
CONSTRUCT AN ENCLOSED OUTDOOR PATIO FOR DINING AT ZACK'S  
GRILL LOCATED AT 1825A PENNSYLVANIA AVENUE, TOWN OF  
SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK,  
TAX MAP #127.00-1-15.213 ZONED COMMERCIAL NEIGHBORHOOD**

**Resolution by: French**  
**Seconded by: Berman**

**WHEREAS**, on or about June 15, 2020, John Zack submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan Amendment to construct a 40-foot by 16-foot enclosed outdoor patio to be used for dining at Zack's Grill located at 1825A Pennsylvania Avenue, Town of Southport, tax map #127.00-1-15.213 zoned Commercial Neighborhood; and

**WHEREAS**, the Town Planning Board held a duly noticed meeting on July 6, 2020 at which the Applicant presented information about the project; and

**WHEREAS**, the Town Planning Board conducted a public hearing on August 3, 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 John Zack, as presented, to construct a 40-foot by 16-foot enclosed outdoor patio for dining at Zack's Grill located at 1825A Pennsylvania Avenue. 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 review of the site plan amendment of Leon Tuttle to construct a 25-foot by 100-foot storage building at Southport Storage located at 2147 S. Broadway, Pine City, NY.

Mr. Tuttle explained that he will build a metal pole style storage building with no utilities the same as the existing buildings. Total square footage of all buildings is 38,420 square feet covering 21% of the property.

There were no further comments from the Board. Chairman Parsons set a public hearing for Tuesday, September 1, 2020 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was the continued review of the site plan amendment of Charlie Todd to construct a 60-foot by 80-foot pole barn to operate a farmer's market and events center at Chamberlain Acres located at 824 Broadway, Elmira, New York tax map #99.18-5-18 zoned Commercial Neighborhood.

Mr. Todd had pictures of a polycarbonate greenhouse and a layout of how it was proposed to sit on the property. He did not have upgraded pictures of the actual building. It would have a shed section off the side for bathrooms and kitchen. The back and side facing the residences would be aluminum, not clear polycarbonate. The polycarbonate section would be about 40 feet by 80 feet and the other 20 feet would be aluminum.

The Board asked about parking. Mr. Todd said he was in contact with the new owner of AFI giving him approval for parking.

The Board discussed the "Events Center" law that was scheduled for a Public Hearing at the Town Board meeting on August 11, 2020. Mr. Todd was

working on engineered drawings and must have them by August 24, 2020 and have everything that is required in the new law.

Leslie Connolly, Town Attorney, explained that the new law would have to be in place before he can request a variance. The Board of Appeals has to grant the variance after the law is in place. The new law should be done in August. Mr. Todd could present his application to the Board of Appeals in August but they will not approve it until September. She will communicate with Mr. Todd's attorney if the law is amended. The Planning Board could approve it contingent upon the ZBA approval.

There were no further comments from the Board. Chairman Parsons set a public hearing for Tuesday, September 1, 2020 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was the referral from the Town Board to review the sketch plan of Autumnview Estates. Jamie Gensel with Fagan Engineering presented the sketch on behalf of David Cleary. The project had received an area variance for the Planned Development District (PDD) for a sub-standard size lot. The Town Board approves a PDD. Mr. Gensel explained that Phase 1 would be duplex single story, two car garage homes.

The Board discussed the Required Findings in §525-46. The Town Attorney explained that Mr. Gensel needed to present what the entire project would look like. A formal application will be submitted to the Town Board, they will refer it to the Planning Board, then the Planning Board will submit the Required findings for §525-46 for the Formal Application.

After no further discussion from the Board, Vice Chairman Collins made a motion to recommend that the Town Board accept the sketch plan of Autumnview Estates; Chairman Parsons seconded the motion.

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

Other business to come before the Board, Board Member West stated that he was resigning from the Planning Board effective August 3, 2020 because he will be moving out of the Town of Southport. The Board discussed making the Alternate Board Member a permanent board member.

Board Member Peterson made a motion to recommend that the Town Board appoint the Alternate Board Member, Jennifer McGonigal to the Planning Board filling the unexpired term of Chad West whose term is to expire April 2027. Vice Chairman Collins seconded the motion. No discussion on the motion.

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

No other business to come before the Board. Chairman Parsons made a motion to adjourn the meeting; Board Member French seconded the motion. All were in favor. The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney