



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, February 1, 2021
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, February 1, 2021 at 7:00 p.m.

Board Members Present: Chris Parsons, Chairman
Jennifer McGonigal, Vice Chairman
Jacquelyn French
John Hastings

Board Members Joined Remotely: Larry Berman
Trish Peterson

Board Member Absent: None

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

Others Joined Remotely: Leslie Connolly, Town Attorney
Kathleen 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 January 4, 2021 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

Continued

Public Hearing – Site Plan Amendment of Charlie Todd to construct a 60-foot by 80-foot pole barn to operate a farmers' market and event center at Chamberlain Acres located at 824 Broadway, Elmira, New York
Tax map 99.18-5-18 zoned Commercial Neighborhood

Glen Miller, a partner of Chamberlain Acres, explained the new plans that were submitted. He said the building would be a greenhouse with two bathrooms and no longer a pole barn. It would be used for the farmers' market.

Attorney Connolly asked for clarification of the drawings submitted by the contractor Mr. Blume. It was confirmed that it would be a 60 foot by 80 foot structure. The neighboring property owner, AFI, submitted a letter giving permission to park in his parking lot when he was not in operation. Mr. Miller explained they have an area that could be cleared for extra parking toward Chamberlain Street. Attorney Connolly talked about the impact on neighboring properties.

Attorney Connolly talked about the letter to Attorney Sonsire dated October 5, 2020. She explained to Mr. Miller that there needs to be acknowledgement from the owner of this project stating that Mr. Blume is the authorized agent and what he is proposing matches what you are now proposing to the Town. The applicant also needs to explain the project that is now proposed and that it is reflected in the site plan application materials submitted on the given date and that Mr. Blume provides the Town with revised drawings and other information. Mr. Miller agreed.

Mr. Miller explained that the installation of utilities has not been started because it depended upon the site plan approval.

Attorney Connolly explained that Chamberlain Acres must take down their advertising of weddings and such events from their website. Charlie Todd had agreed to do that when they last meet. The Board is asking that be done and is required for approval of the site plan project. Mr. Miller agreed.

Mr. Rocchi explained that they still needed stamped engineer drawings. Mr. Blume provided drawings however, nothing has been engineered for the 60 foot by 80 foot greenhouse for the farmers' market. The building would be within the required setback for that zoning district.

Attorney Connolly explained that after receiving those pieces of information by February 16, 2021 the Planning Board should have a complete application to possibly make a determination for site plan approval at the March 1, 2021 meeting.

The following are required in order to approve the site plan:

1. The Planning Board now has a verbal on the use of the building as a greenhouse and farmers' market.
2. Stamped engineered drawing
3. Revised SEQR
4. Remove from their website the advertisement of weddings and such events.

There were no further comments from the Board. Chairman Parsons set a public hearing for Monday, March 1, 2021 at 7:00 p.m. or as soon thereafter as it

can be heard. Application deadline must be submitted to the Code Office by February 16, 2021.

Continued

Public Hearing – Site Plan Amendment of Jodi Wheeler to install a 14-foot by 28-foot pre-built shed to be used for recycling storage located at 1825B Pennsylvania Avenue, Pine City, New York Tax map 127.00-1-15.221 zoned Commercial Neighborhood

Ms. Wheeler explained that there was a death in her family therefore she was not present for the last meetings. The shed was delivered in the meantime. She explained that it has not been used. The shed would only be used for recycling and it will have electricity installed. She has also installed a propane pump and will connect that to the electric as well. She did not feel it needed to be part of the site plan. Mr. Rocchi and the Town Attorney explained that something like that does need to be part of the operation of the site and that is the process for site plan approval.

Chairman Parsons asked to include the propane filling station into the site plan. Ms. Wheeler was not sure the size of the propane tank. The propane company regulates installation and operation. She said that it has barriers, it is the proper distance from structures, it has a fire hydrant, and it needs electric installed.

Hearing no other comments from the Board, Board Member French made a motion to accept the site plan amendment with conditions; Board Member Hastings seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration. Discussion on the motion, the Board talked about the local and state regulation on the propane filling station.

Resolution No. 002-2021 PB

**SITE PLAN AMENDMENT APPROVAL GRANTED TO JODI WHEELER TO
INSTALL A 14 FOOT BY 28 FOOT PRE-BUILT SHED TO BE USED FOR
RECYCLING STORAGE AND TO INSTALL A PROPANE FILLING STATION
LOCATED AT 1825B PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT,
COUNTY OF CHEMUNG, STATE OF NEW YORK,
TAX MAP #127.00-1-15.221 ZONED COMMERCIAL NEIGHBORHOOD**

Resolution by: French
Seconded by: Hastings

WHEREAS, on or about October 21, 2020, Jodi Wheeler submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan Amendment to install a 14-foot by 28-foot pre-built shed to be used for recycling storage located at 1825B

Pennsylvania Avenue, Town of Southport, tax map #127.00-1-15.221 zoned Commercial Neighborhood; and

WHEREAS, the application was submitted to the Town Planning Board and defined as an Accessory Structure per the Town Code Chapter 525-87 Accessory Structures; and

WHEREAS, the Town Planning Board held a duly noticed meeting on November 2, 2020 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on December 7, 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, the applicant was not present for the Public Hearing on December 7, 2020 nor on January 4, 2021, the Planning Board tabled the Public Hearing until February 1, 2021 at 7:00 p.m.; 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, at that meeting the applicant added a propane filling station to the site plan amendment; 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 Amendment of Jodi Wheeler, to install a 14-foot by 28-foot pre-built shed to be used for recycling storage and the installation of a propane filling station 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. The installation of the propane filling station meets all State and Local Fire Codes.

AYES: French, Hastings, McGonigal, Parsons, Peterson
ABSENT: Berman
NOES: None
MOTION CARRIED.

Next was review of the site plan of Brenda Ribble to operate a can and bottle redemption center located at 1600 Cedar Street, Elmira, New York tax map #109.12-1-11 zoned Commercial Regional.

Ms. Ribble explained her plan was to operate a bottle and can redemption center in the plaza. Everything would be stored inside of the building. A dumpster would be placed behind the plaza for garbage. She would install signs and banners per Town Code. There is existing lighting outside and adequate parking in the plaza.

There were no further comments from the Board. Chairman Parsons set a public hearing for Monday, March 1, 2021 at 7:00 p.m. or as soon thereafter as it can be heard.

Board Member Berman joined the meeting remotely at 7:45 p.m.

Next was review of the site plan amendment of James Caywood to construct a 24 foot by 24 foot addition to existing building located at 1126 Broadway, Elmira, New York tax map#109.06-1-82.2 zoned Commercial Regional.

Mr. Caywood explained the addition would be used for unloading corpses and receiving deliveries of caskets. A breezeway would connect the addition to the existing funeral home. He would use the same lighting that he currently uses throughout his property. The façade addition will look residential. He has adequate parking and received approval from the County Department of Public Works to be able to park on Broadway.

There were no further comments from the Board. Chairman Parsons set a public hearing for Monday, March 1, 2021 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was review of the site plan of Glenn McClelland to convert existing 18-unit motel into 18 one-bedroom efficiency apartments located at 908 Pennsylvania Avenue, Elmira, New York tax map#109.07-1-32 zoned Commercial Regional. Mr. Rocchi explained to the Board that Mr. McClelland withdrew his application due to the cost of converting the motel into apartments to bring it up to the New York State Building Code for a change in occupancy use.

Other business to come before the Board was discussion that a few Board Members meet with Troy Dygert to discuss the Planning Board Member vacancy. The Board made a recommendation that the Town Board appoint Troy Dygert as a Planning Board Member filling the unexpired term of Dan Collins whose term would expire April 2024.

AYES: Berman, French, Hastings, McGonigal, Parsons, Peterson
ABSENT: None
NOES: None
MOTION CARRIED.

Attorney Connolly updated the Board on the UpState cell tower litigation. Blue Wireless surrendered their FCC license and sold to Verizon. They have withdrawn their litigation. It is over!

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Board Member Hastings seconded the motion. All were in favor. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney