



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Regular Meeting

**Monday, June 7, 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, June 7, 2021 at 7:00 p.m.

Board Members Present: Larry Berman  
Troy Dygert  
John Hastings  
Jennifer McGonigal, Vice Chairwoman  
Chris Parsons, Chairman  
Trish Peterson  
Tracy Warner, Alternate

Board Member Absent: Jacquelyn French

Others Present: Peter Rocchi, Code Enforcement Officer  
Michelle Murray, Secretary  
Leslie Connolly, Town Attorney (remote)  
Kathleen Szerszen, Town Supervisor (remote)

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 May 3, 2021 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

Chairman Parsons welcomed Tracy Warner to the Planning Board as the new Alternate Board Member.

**Public Hearing -** Site Plan of Floyd Coaxum to operate an automotive washing and detailing business located at 1720 and 1774 Cedar Street, Elmira, New York Tax map #110.05-3-2 and 110.05-3-3 Zoned Commercial Regional

It was noted that the publication was in order, except Mr. Coaxum needs to pay the Star Gazette for the legal notice that was published. The public hearing was opened for comment. No one wished to be heard, the public

portion of the meeting was closed at 7:05 p.m. and was turned back over to the Planning Board.

Mr. Coaxum explained he would detail, wash, recondition and clean vehicles in the parking lot and inside of the building. He will use an environmentally friendly degreaser. He will also sell cleaning products.

The Board discussed that the property does not have an oil water separator. The property is covered by asphalt. The Stormwater Coalition will require a SPEDES permit through NYSDEC for this business operation to be compliant. He cannot operate until the SPEDES permit is approved. Signage must be installed per Town Code. Hours of operation are as stated on the application. Lighting installed must shine downward.

Hearing no other comments from the Board, Board Member Berman made a motion to accept the Site Plan as presented with conditions; Vice Chairwoman McGonigal seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration.

**Resolution No. 009-2021 PB**

**SITE PLAN APPROVAL GRANTED TO FLOYD COAXUM TO OPERATE AN  
AUTOMOBILE WASHING AND DETAILING BUSINESS LOCATED AT 1720 AND  
1774 CEDAR STREET, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG,  
STATE OF NEW YORK, TAX MAP #110.05-3-2 AND #110.05-3-3  
ZONED COMMERCIAL REGIONAL**

**Resolution by: Berman**  
**Seconded by: McGonigal**

**WHEREAS**, on or about April 19, 2021, Floyd Coaxum submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to operate an automobile washing and detailing business located at 1720 and 1774 Cedar Street, Town of Southport, tax map #110.05-3-2 and #110.05-3-3 zoned Commercial Regional; and

**WHEREAS**, the application was submitted to the Town Planning Board and defined as a car wash per the Town Code definitions Chapter 525-5 Definitions; and

**WHEREAS**, the Town Planning Board held a duly noticed meeting on May 3, 2021 at which the Applicant's representative presented information about the project; and

**WHEREAS**, the Town Planning Board conducted a public hearing on June 7, 2021 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 as presented with conditions to Floyd Coaxum to operate an automobile washing and detailing business located at 1720 and 1774 Cedar Street. 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. Legal notice must be paid for before operation of business.
2. NYSDEC SPEDES permit must be approved by NYSDEC before operation of the business.
3. Products used to clean vehicles are NYSDEC compliant.
4. Any signage would be installed per Town Code.
5. Any lighting installed must shine downward.

**AYES:**           **Berman, Dygert, Hastings, McGonigal, Parsons, Peterson, Wagner**

**ABSENT:**       **French**

**NOES:**           **None**

**MOTION CARRIED.**

**Public Hearing -** Special Use Permit of Liza Hable to operate a restaurant located at 805 Pennsylvania Avenue, Elmira, New York  
Tax map #99.19-2-76 Zoned Commercial Regional

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 7:16 p.m. and was turned back over to the Planning Board.

Ms. Hable stated that the hours of operation will be Monday through Sunday 6:00 a.m. to 12:00 a.m. She will have seasonal events and will use the parking lot behind the building for the overflow of parking. She will have outside seating in front of and on the left side of the building. The signage would be installed per Town Code.

Hearing no other comments from the Board, Board Member Berman made a motion to accept the Special Use Permit as presented with conditions; Board Member Hastings seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration.

**Resolution No. 010-2021 PB**

**SPECIAL USE PERMIT GRANTED TO LIZA HABLE TO OPERATE A RESTAURANT LOCATED AT 805 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #99.19-2-76 ZONED COMMERCIAL REGIONAL**

**Resolution by: Berman**  
**Seconded by: Hastings**

**WHEREAS**, on or about April 20, 2021, Liza Hable submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Special Use Permit to operate a restaurant located at 805 Pennsylvania Avenue, Town of Southport, tax map #99.19-2-76 zoned Commercial Regional; and

**WHEREAS**, the application was submitted to the Town Planning Board and defined as a standard restaurant per the Town Code definitions Chapter 525-5 Definitions; and

**WHEREAS**, the Town Planning Board held a duly noticed meeting on May 3, 2021 at which the Applicant presented information about the project; and

**WHEREAS**, the Town Planning Board conducted a public hearing on June 7, 2021 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 the Special Use Permit as presented with conditions to Liza Hable to operate a restaurant located at 805 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.

1. Hours of operation will be Monday through Sunday 6:00 a.m. to 12:00 a.m.
2. Outdoor seating will be in front of the building and on a patio on the left side of the building.
3. Signage would be installed per Town Code.

**AYES: Berman, Dygert, Hastings, McGonigal, Parsons, Peterson, Wagner**

**ABSENT: French**

**NOES: None**

**MOTION CARRIED.**

**Public Hearing -** Site Plan of Erica Kelsey and Christopher DeCaires to operate a restaurant and used automobile sales business located at 1150, 1152, 1154 S. Main Street and 1151 Charles Street, Elmira, New York tax map #109.08-4-15, #109.08-4-16, #109.08-4-17, and #109.08-4-36 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 7:24 p.m. and was turned back over to the Planning Board.

Chairman Parsons read the proposal the applicant received for the gravel parking lot for vehicle sales. The Board discussed the stormwater runoff and the permeable lot. They discussed outside seating and the right-of-way. A condition would be for the applicants to combine all of the properties.

Ms. Kelsey explained that they will have arrows directing traffic to the drive-up window. Signage would be installed per Town Code. No repair work will be done on the vehicles for sale. They will install dusk to dawn lighting that will shine down.

The Board went over the Short Environmental Assessment Form Part 2 – Impact Assessment. The Board had determined that the proposed action will not result in any significant adverse environmental impacts.

Hearing no other comments from the Board, Board Member Berman made a motion to accept the Site Plan as presented with conditions; Board Member Peterson seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration.

**Resolution No. 011-2021 PB**

**SITE PLAN APPROVAL GRANTED TO ERICA KELSEY AND CHRISTOPHER DECAIRES TO OPERATE A RESTAURANT AND USED AUTOMOBILE SALES BUSINESS LOCATED AT 1150, 1152, 1154 S. MAIN STREET AND 1151 CHARLES STREET, TOWN OF SOUTHPORT, NEW YORK  
TAX MAP #109.08-4-15, #109.08-4-16, #109.08-4-17, AND #109.08-4-36  
ZONED COMMERCIAL NEIGHBORHOOD**

**Resolution by:     Berman**  
**Seconded by:     Peterson**

**WHEREAS**, on or about April 22, 2021, Erica Kelsey and Christopher DeCaires submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to operate a restaurant and used automobile sales business located at 1150, 1152, 1154 S. Main Street and 1151 Charles Street, Town of Southport, tax map #109.08-4-15, #109.08-4-16, #109.08-4-17, and #109.08-4-36 zoned Commercial Neighborhood; and

**WHEREAS**, the application was submitted to the Town Planning Board and defined as a standard restaurant per the Town Code definitions Chapter 525-5 Definitions and Vehicle filling stations, vehicle repair, vehicle sales and heavy equipment vehicle sales and/or repair, and/or contractor's equipment yard per Town Code Chapter 525-110; and

**WHEREAS**, the Town Planning Board held a duly noticed meeting on May 3, 2021 at which the Applicant presented information about the project; and

**WHEREAS**, the Town Planning Board conducted a public hearing on June 7, 2021 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 the approval of the Site Plan as presented with conditions to Erica Kelsey and Christopher DeCaires to operate a restaurant and used automobile sales located at 1150,

1152, 1154 S. Main Street and 1151 Charles Street. 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. All lots must be combined before operating businesses.
2. Gravel parking area must be installed before the sale of used vehicles.
3. Must obtain a driveway permit from Chemung County Department of Public Works to make any curb cuts along Main Street (CR28).
4. There shall be no outside storage of any automobile parts.
5. There shall be no repair work done to automobiles.
6. No vehicles shall be parked or stored within 25 feet of the road right-of-way.
7. The parking area abuts a residential use, adequate buffer is required per Ch525-110 B(3)(c). Fencing and trees must be in place and maintained as adequate buffer.
8. All trash and debris must be removed from the property weekly.
9. Must obtain the proper licensing from NYS before selling vehicles.
10. Must obtain the proper approvals from Board of Health before operating the restaurant.

**AYES: Berman, Dygert, Hastings, McGonigal, Parsons, Peterson, Wagner**

**ABSENT: French**

**NOES: None**

**MOTION CARRIED.**

**Public Hearing – Continued** Site Plan Amendment of Charlie Todd to construct a 60-foot by 80-foot greenhouse to be used for growing space and to operate a farmers' market at Chamberlain Acres located at 824 Broadway, Elmira, New York  
Tax map 99.18-5-18  
Zoned Commercial Neighborhood

The Applicant was not present. The Board moved this item on the agenda to the end of the meeting for discussion.

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 that she solved the issue with the landlord and now has heat for the space. She explained her plan was to operate a bottle and can redemption center in the plaza. The hours of operation will be Monday through Sunday 9:00 a.m. to 6:00 p.m. 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 Tuesday, July 6, 2021 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was review of Site Plan of Elizabeth Lipovsky for a resubdivision of land located at 80 Monks Road, Pine City, New York tax map #128.00-1-71 zoned Agricultural Residential.

Ms. Lipovsky joined the meeting remotely. She explained that she was subdividing her land and selling parcel A, 35.655 acres. Both lots will have adequate lot size and road frontage required by the Town Bulk and Density Control Schedule Chapter 525-24.

The Board discussed that this was a minor subdivision of land where the proposed subdivision consists solely of the simple alternation of lot lines therefore a public hearing would not be required.

Hearing no other comments from the Board, Board Member Berman made a motion to accept the Site Plan as presented with conditions; Board Member Dygert seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration.

**Resolution No. 012-2021 PB**

**SITE PLAN APPROVAL GRANTED TO ELIZABETH LIPOVSKY FOR A  
RESUBDIVISION OF LAND LOCATED AT 80 MONKS ROAD,  
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK,  
TAX MAP #128.00-1-71 ZONED AGRICULTURAL RESIDENTIAL**

**Resolution by: Berman**  
**Seconded by: Dygert**

**WHEREAS**, on or about May 19, 2021, Elizabeth Lipovsky submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan for a resubdivision of land located at 80 Monks Road, Town of Southport, tax map #128.00-1-71 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 7, 2021 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 as presented with conditions to Elizabeth Lipovsky for a resubdivision of land located at 80 Monks Road 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. There is a separate deed created for this property.
2. The Town's Assessor is aware and receives all copies of the paperwork.

**AYES:**           **Berman, Dygert, Hastings, McGonigal, Parsons, Peterson, Warner**

**ABSENT:**       **French**

**NOES:**         **None**

**MOTION CARRIED.**

**Public Hearing – Continued**    Site Plan Amendment of Charlie Todd to construct a 60-foot by 80-foot greenhouse to be used for growing space and to operate a farmers' market at Chamberlain Acres located at 824 Broadway, Elmira, New York  
Tax map 99.18-5-18  
Zoned Commercial Neighborhood

The Applicant was not present. Attorney Connolly reviewed the application timeline and asked for the Planning Board's consideration that the public hearing be closed and the application deemed incomplete.

## CHAMBERLAIN ACRES

### March 2020 –

- 3/17: Site Plan application with SEQR submitted to construct a 60' by 80' pole barn with 2 bathrooms and a kitchen to be used for events. First Planning Board appearance scheduled for April 6. Mr. Todd was given the Site Plan Review sheet which describes the process and additional information required for review.

### April 2020 -

- 4/6: Planning Board meeting postponed until May due to Covid restrictions.
- 4/8: Town advised Attorney Sonsire via email that the Town Board will explore the option of changing the code to allow for all the requested uses.
- 4/17: Town receives letter from Applicant's counsel confirming Applicant's desire to use property not only for Farmers' Market, but as a "Wedding/Event venue" as well and assures that "all architectural drawings will be provided to the Town of Southport as required by law."

### May 2020-

- 5/4: Attorney Connolly issues reply correspondence to Applicant's counsel
  - Confirming that the Farmers' Market is an appropriate accessory use for the property, but that the use of the property for events such as weddings would require an amendment of the Town Code in light of the property's primary use as a Florist's and the absence of legislation in the Town Code governing the use of property in the CN District for weddings etc.
  - Reminding Applicant that SEQRA must be completed and that all required site plan documentation must be submitted for the Town to consider the matter.
- 5/12: Town submittal to County Planning for construction of a pole barn.
- 5/23: CCPB and NYSDOT confirm that SEQR must be completed by Mr. Todd.
- 5/28: CCPB approved the pole barn with bathrooms for Farmer's Market and other events. They had concerns about adequate parking available on site and clarification if the property was to connect to the public sewer.

### June 2020-

- 6/1: Planning Board meeting.
  - Mr. Todd was not present so the board tabled the site plan review until the July 6 meeting.

- Upon referral from the Town Board, the Planning Board recommended that the Town consider amending the code to allow for an event center to accommodate Mr. Todd's request. A committee of Town staff and attorneys was formed to do this.

July 2020-

- 7/6: Mr. Todd attended the Planning Board meeting.
  - Noted change to original plan from a pole barn to a polycarbonate greenhouse. Attorney Connolly explained that Mr. Todd should provide images of the proposed building for the next meeting.
  - The Planning Board moved up their September meeting from 9/14 to 9/1 to speed the process along to assist Mr. Todd.
  - The Planning Board reviewed the draft event center law & recommended that the Town Board approve it.
- 7/28 – Town Supervisor received a call from Sara Lattin at Senator O'Mara's office. Mr. Todd had reached out to them for assistance.
- Attorney Connolly provides Applicant's counsel with a list of engineering firms that can help Applicant comply with SEQRA and Town Laws regarding proposed site plan.
- Attorney Connolly offers to meet with Applicant, counsel and their chosen engineers to assist with application materials required for compliance with proposed new code provision.
- Attorney Connolly offers to hold special combined public hearings of Planning Board and ZBA to expedite processing of application to accommodate Applicant's concerns about losing funding.

August 2020 –

- Mr. Todd attended the Planning Board meeting and again stated that he was now planning to construct a greenhouse building. He was asked to provide additional information for the 9/1 public hearing in anticipation of approval of the event center.
- 8/6: Attorney Connolly receives email from LaBella Engineers that they been retained to assist Applicant. LaBella requests a list of outstanding information required to proceed with application.
- 8/7: Attorney Connolly provides Applicant's counsel with an email stating that the application is incomplete and providing list of missing items

1. Hard copy plans on how he is addressing, including but not limited to, the following:
  - a. What is the actual building size and layout?
  - b. What material will the building be made of?
  - c. Is that building approved for assembly use?
  - d. Will the building meet the NYS Fire Code for that use?
  - e. Will the building require sprinklers?

- f. What is the occupancy number for the building? We need that in order to determine the parking requirements.
- g. A plot plan showing the setback of the building from all lot lines.
- h. According to the application he submitted he will attach the new construction to the existing greenhouse. Is the existing greenhouse suitable for assembly occupancy per the NYS Fire Code?
- i. The approved sewage plans.
- j. Bathroom designs.
- k. Letter from the new AFI owner stating they allow their property to be used for Chamberlain Acres parking.

We also need to know the Events Center's hours of operation, lighting information and the other information noted in the proposed new law for the Planning Board's consideration.

- 8/11: The Town Board held a public hearing & approved adding Event Center as a permitted use in the Town code.
- 8/13: Applicant misses deadline for submitting project information.
- 8/14: Legal notice placed in Star Gazette for public hearing on 9/1.
- 8/17: Received comments from the public, including concerns from neighbors re: lighting, noise, lack of privacy, parking.
- 8/25: Attorney Connolly requests that Applicant's counsel confirm desire to move forward with project.
- 8/26: Attorney Connolly requests that Applicant, Applicant's counsel and engineer sit down with Town to discuss application and how to move forward.

#### September 2020 –

- Mr. Todd emailed Attorney Connolly directly; code of professional conduct. She could only speak to him through his attorney.
- 9/1: Planning Board public hearing - Mr. Todd explained a history of his request and change of plans from a pole barn to greenhouse. Applicant also expressed interest in using space for canning and food processing. Attorney Connolly explained that more details would be required for the board to evaluate the proposal. Public comments were heard and Chairman Parsons noted that the board had copies of written comments received. Mr. Todd left prior to the public and written comments, including neighbor concerns that Mr. Todd had already removed trees screening neighbors' property from site and parking.

The public hearing would remain open for the Oct. 5 to receive more information. No information received.

October 2020 –

- 10/2: Conference call with Mr. Todd, his attorney, Code Officer, and Town Supervisor to explain what additional information was needed.
- 10/5: Attorney Counsel followed up with an email confirming the conversation:
  - Below please find my understanding of our discussions; should anyone have a different perspective, please let me know.
- Mr. Todd wishes to construct a greenhouse with two restrooms at his property. The greenhouse would be used to accommodate his Farmers' Market and provide him with additional space to conduct activities commonly associated with a greenhouse use only.
- Mr. Todd is no longer seeking permission to use his property for weddings or other similar gatherings and understands that the Town of Southport Planning Board's approval of the revised Chamberlain Acres project (a greenhouse) would not permit weddings or other similar gatherings.
- Mr. Todd understands that the Planning Board's approval of the proposed greenhouse would not allow canning activities, as the same is not an accessory use to a garden center/florist (the principal use of Mr. Todd's property) and would require the construction of a commercial kitchen and NYS Department of Health review and approval.
- In preparation for the Planning Board's November meeting, Mr. Todd's construction manager, Ed Blume, will meet with Peter Rocchi to confirm the submissions required to accompany Mr. Todd's site plan application and a revised SEQRA EAF (because the proposed greenhouse would have far fewer potential environmental impacts than previously contemplated).
- Should any required site plan drawings require an engineer's certification, Messrs. Todd and Blume will facilitate the same.
- As presented during our October 2 call, the revised Chamberlain Acres project will not require any variances from the Town of Southport Zoning Board of Appeals.
- As presented during our October 2 call, the revised Chamberlain Acres project will not require any action by the Town of Southport Town Board.
- At its October 5, 2020 meeting, the Planning Board shall extend the public hearing for the Chamberlain Acres project to the Planning Board's November meeting.
- Should the Planning Board determine that it has received all information mandated by the Town of Southport Zoning Code (Site Plan) and SEQRA, the Planning Board may choose to render

its determination at its November meeting, subsequent to the public hearing's closure that evening.

- Messrs. Todd and Blume will submit all required site plan and SEQRA information to the Planning Board Clerk in accordance with the Town's document submission deadline for the Town's November meeting. Mr. Todd understands that the Planning Board cannot review or approve the proposed Chamberlain Acres project at its November meeting without all required information.
  - Messrs. Todd and Blume may undertake those construction activities necessary to facilitate utility hookups to Mr. Todd's property, as these activities are not subject to the Town's approval. Because Planning Board has yet to approve the proposed revised Chamberlain Acres project, Mr. Todd will undertake any utility hookup construction work at his own risk.
- The public hearing continued at the October 5 Planning Board meeting.
  - Mr. Todd did not attend so the meeting would remain open until the next meeting on Nov. 2.

November 2020 – Mr. Todd did not attend, no materials submitted in advance of the meeting. There were no updates and the meeting would remain open until the next meeting on Dec. 7.

December 2020 – Mr. Todd did not attend or provide any updates. The public hearing was extended until the January 4, 2021 meeting.

January 2021-

- 1/4: Applicant was not present and did not provide any updates. Chairman Parsons extended the public hearing until the next board meeting on February 1.
- 1/8: Letter to Supervisor from Mr. Todd.
- 1/13: Mr. Todd's builder, Ed Blume, visited the Code office and was given additional information and what they would need to provide for the Planning Board review. He stated that they no longer plan to build an Event Center, just a greenhouse.

February 2021 -

- 2/1: Planning Board meeting. Glenn Miller was present on behalf of Mr. Todd. The plan has changed to building a greenhouse only for growing and holding Farmers Markets. Applicant was requested to provide

engineered drawing, revised SEQR and remove weddings from their website. A new public hearing was set for 3/1.

- 2/17: Attorney Connolly advises Mr. Blume of materials missing from application, as set forth back in October email to Applicant and Counsel, including amended SEQRA submittal, engineered drawings from Edger Enterprises and site plan application.
- 2/20: Legal notice for public hearing placed in the Star Gazette and paid for by the Town.
- 2/26: Attorney Connolly advised that Applicant had retained new legal counsel.

#### Mar. 2021 –

- 3/1: Attorney Connolly confirms to Applicant's counsel that current zoning does not allow use of property for weddings etc., request that Applicant cease advertising events on social media reiterated.
- 3/17: Attorney Connolly follows up with Applicant's counsel for missing application information, informs Applicant's counsel of deadline for submitting same, which is missed.
- 3/1: Planning Board public hearing. The applicant was not present, no materials were presented. The public hearing remained open.

#### April 2021-

- 4/5: Planning Board meeting. The applicant was not present and did not provide any updates. Public hearing remained open.
- 4/8: Attorney Connolly requests that Applicant's attorney advise whether project is going forward, as no information has been submitted and the public hearing has been held open for many months.
- 4/13: Attorney Connolly confirms for Applicant's counsel that an events center is not allowed under current zoning law, and that advertising needs to be removed from social media.
- 4/13: Mr. Todd emailed Town Supervisor.
- WETM TV News informed the Town that Mr. Todd was no longer planning on moving forward with the project.

#### May 2021-

- 5/3: Planning Board meeting. The applicant was not present and did not provide any updates. The public hearing remained open.

Attorney Connolly offers for the Planning Board's consideration that this application has been abandoned. She recommends that a letter stating as much be sent to Applicant's last known counsel with a request that they make their attentions to move forward with the process known for the next planning

board meeting at which the public hearing would be closed and the application denied if no further information is provided.

Attorney Connolly explained that if anybody was truly interested in the history of this matter the information is available through Freedom of Information Law and that anybody can take a look at the minutes regarding this matter, as they are open for public review.

After no further discussion, the Chairman stated that the public hearing would remain open until the July 6, 2021 Planning Board meeting. The Town Attorney would send a letter to the Applicant's counsel. The deadline for submission is June 16, 2021.

No other business to come before the Board. Board Member Peterson made a motion to adjourn the meeting; Vice Chairwoman McGonigal seconded the motion. All were in favor. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney