



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Meeting Minutes

Monday, June 6, 2022

7:00 pm

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

Board Member Absent: None

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

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 2, 2022 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

Next was review of Site Plan of Todd Curren to operate an ATV/UTV Sales and Parts store located at 1489 Cedar Street, Elmira, New York, tax map 109.11-2-10 zoned Commercial Regional.

Mr. Curren explained that they will keep the parking lot the same with new traffic signs. In the future they will add a 60-foot by 100-foot addition to the back of the building. There will be no machine repair at this location. They will add security fencing around the property, have display areas on the property for ATV/UTV's and utility trailers, and they will remove the existing trailers and containers in the back of the building.

The Board explained to Mr. Curren that all lighting must be night sky compliant and shine down. Mr. Curren stated that they will not put lighting in the parking lot, but will have wall lights on the building that shine down. No vehicles, ATVs, UTVs or utility trailers offered for rent or sale shall be placed, stored or parked within 25 feet of a road right-of-way per Town Code §525-110. The Board discussed hours of operation and the concept plan verses an actual site plan.

Mr. Curren would have to present a detailed plan for his addition when he applies for a site plan amendment.

There were no further comments from the Board. Chairman Parsons set a public hearing for Tuesday, July 5, 2022 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was referral from Town Board to review amendment to Chapter 525-16 Commercial Neighborhood intent, and Chapter 525-17 Commercial Regional intent.

The Town Attorney reviewed and agreed with the proposed amendment. The Board discussed the amendment and agreed with the changes proposed by the Form-Base Code Review Committee.

§ 525-16 Commercial Neighborhood (CN) intent.

This district delineates areas with a mixture of residential and commercial urban fabric, with a range of building types that accommodate a variety of uses, including retail, offices, some single-family and multiunit dwellings, including apartments above shops. Commercial buildings complement the character of residential buildings, and existing houses may accommodate commercial uses. Buildings are placed consistent with the existing established setbacks.

§ 525-17 Commercial Regional (CN) intent.

This district delineates areas that consists of moderate-density buildings that accommodate the greatest variety of uses of regional importance. Buildings accommodate primarily commercial uses, including retail, offices, and semi-industrial uses in designated areas. Mixed-use buildings may include dwellings. Buildings are placed consistent with the existing established setbacks.

Board Member French made a motion to recommend that the Town Board accept the amendments to Chapter 525-16 Commercial Neighborhood intent, Chapter 525-17 Commercial Regional intent, and to the Bulk and Density Control Schedule; Board Member Berman seconded the motion. All were in favor.

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

Next on the agenda was referral from Town Board to review amendment to Chapter 525-120 (N)(4)(e) Alternative dwelling parks.

After being reviewed by the Town Attorney, we will not request to amend Chapter 525-120 Alternative dwelling parks. Limiting the age of the structure is

not within the Town's zoning powers. The dwelling units must be safe and up to code.

Chairman Parsons made a motion to recommend that the Town Board does not amend Chapter 525-120 (N)(4)(e) Alternative dwelling parks; Board Member French seconded the motion. All were in favor.

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

Next on the agenda was referral from Town Board to review amendment to Chapter 464-8 Resubdivision.

After discussion with the Town Attorney, the amendment to Chapter 464-8 Resubdivision is proposed as:

Chapter 464. Subdivision of Land

Article I. General Provisions

§ 464-8. Resubdivision.

If the proposed subdivision consists solely of the simple alterations of lot lines, **and it meets the current §525-24 Bulk and Density Control Schedule**, then normal subdivision procedures ~~may~~ shall be waived at the discretion of the Planning Board, **or a duly authorized representative**. Such subdivision shall be deemed a resubdivision. If normal subdivision procedures are not waived, then such resubdivision shall be deemed to be a major or minor subdivision at the discretion of the Planning Board, ~~or~~ **or a duly authorized representative**, in which case the appropriate procedure set forth in this chapter shall apply.

Board Member Berman made a motion to recommend that the Town Board accept the proposed amendment to Chapter 464-8 Resubdivision; Board Member Dygert seconded the motion. All were in favor.

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

Next on the agenda was referral from the Town Board to review amendment to Chapter 525-94 Sign requirements by use and zoning district.

After being reviewed by the Town Attorney, the Planning Board recommends that the Town Board does not amend Ch525-94 Sign requirements to include "business use."

Board Member French made a motion to recommend that the Town Board does not amend Chapter 525-94 Sign requirements by use and zoning district; Board Member Peterson seconded the motion. All were in favor.

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

Board Member French commented that going forward to save time, money, and effort it is fiscally responsible to have the Town Attorney present when discussing changes to the zoning.

Other business to come before the Board was discussion about the Chemung County Planning Board intermunicipal agreement. The Board agreed to add the additional items to the existing intermunicipal agreement.

Referrals to be eliminated: The following shall be eliminated from the referral and review process:

- a. Activities that, while within 500 feet of a state or county highway, would not modify access to or from the state or county highway.
- b. Activities that, while within 500 feet of a municipal boundary, would be permitted within the area of the adjoining municipality abutting the parcel where the activity is proposed.
- c. Amendments to a local zoning law or ordinance that are intended to clarify, redefine, expand or modify words and/or terms that do not alter the dimensional or use standards of the regulation.
- d. Amendments to a local zoning law or ordinance that are intended to address procedural or administrative matters that do not alter the dimensional or use standards of the regulation.
- e. Special Use Permits, Use Variances and Area Variances for residential uses.
- f. Renewals or extensions of site plans or special permits that have no changes from previous approvals.

Board Member Dygert made a motion to recommend that the Town Board add additional actions to our current intermunicipal agreement with the Chemung County Planning Board; Chairman Parsons seconded the motion. All were in favor.

AYES: Berman, Dygert, French, Hastings, McGonigal, Parsons, Peterson
NOES: None
ABSENT: 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 7:41 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney