



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD

### Meeting Minutes

Monday, August 1, 2022

7:00 pm

Board Members Present: Troy Dygert  
Jackie French  
John Hastings  
Jennifer McGonigal, Vice Chairwoman  
Chris Parsons, Chairman  
Tracy Warner, Alternate

Board Member Absent: Larry Berman  
Trish Peterson

Others Present: Megan Dorritie, Town Attorney  
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 July 5, 2022 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

Chairman Parsons welcomed Town Attorney Megan Dorritie.

Next on the agenda was review of the Special Use Permit (SUP) of Liza Hable requesting an extension of her SUP to operate a restaurant located at 805 Pennsylvania Avenue, tax map #99.19-2-76 zoned Commercial Regional.

Ms. Hable met with Code Officer Balmer in June and explained that she has had construction and supply delays. She plans to open in September. There are no changes to her SUP that was approved in June 2021.

Attorney Dorritie advised that if there are no modifications to the SUP then the Planning Board could approve to extend the SUP and waive another public hearing per Town Code § 525-63 Modification or amendment of approved site plan. Any proposed modification or change to an approved site plan shall require submission, processing and decision on an amendment to the approved site plan in accordance with this article.

Hearing no other comments from the Board, Board Member French made a motion to accept the extension of the Special Use Permit (SUP) as presented; Board Member Dygert seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration.

**Resolution No. 009-2022 PB**

**SPECIAL USE PERMIT EXTENSION 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: French**  
**Seconded by: Dygert**

**WHEREAS**, on or about July 13, 2022, Liza Hable submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board to extend her 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 August 1, 2022 at which the Applicant presented information about the project; and

**WHEREAS**, the Town Planning Board determined that the Special Use Permit had no changes from the original approved application and that the normal procedures were waived and would not require a public hearing per Town Code § 525-63 Modification or amendment of approved site plan; 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 an extension of one year to 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: Dygert, French, Hastings, McGonigal, Parsons, Warner**  
**ABSENT: Berman, Peterson**  
**NOES: None**  
**MOTION CARRIED.**

Next on the agenda was the review of the Site Plan of Brad and Katheryn Piecuch for a major subdivision located at Monks Road, Pine City, New York tax map#128.00-1-43.1 zoned Agricultural Residential.

Marc Maser of Maser Engineering presented the application on behalf of Brad and Katheryn Piecuch. He explained that the land was owned by the Piecuches and they would like to subdivide the land into residential lots for single-family homes. The lots would be sold to developers who would build the house and then sell it to prospective home buyers.

Mr. Maser stated that Monks Road was a dead-end road with a small turnaround. There is a section on the neighboring property where the road is not owned by the Town, then the Town owned road starts again on the Piecuch property. His research could not find details on ownership of the road through the neighboring property. The client's real estate attorney would need to dig deeper into ownership of that portion of the road. The entire section of road would need to be improved to the Town's standards.

The north side of the land would be divided into four (4) parcels, each with approximately 12 acres and 250 feet of road frontage. There is a large NYSEG easement in back of these properties. The south side of the land would be divided into four (4) parcels, each with approximately 8 acres. A perk test would be required to determine the type of septic needed for each lot.

There will be a 1.25-acre lot dedicated for Stormwater that would be owned by the developer. It will have a retention pond with graded roadside swales directed into the pond and a culvert under the road. Any operation and development would be the responsibility of the developer. There will be a Stormwater agreement on the deed of that property and the owner will be responsible for the maintenance. Mr. Rocchi explained that the lot must be 3 acres with 150 feet of road frontage per the Town's Bulk and Density Control Schedule.

The Developer would be responsible to build the Monks Road 2800-foot extension, with the minimum right-of-way width of 50-foot, and a minimum width

of 28-foot asphalt per Town Code Chapter A534 Highway Specifications. It was suggested to upgrade the existing road. A new road would only be accepted if it was built to the Town's standards. The Town Attorney suggested asking the Highway Superintendent if the existing Monks Road is sufficient for construction vehicles and making that a condition on the approval.

The Board discussed Lead Agency for SEQR purposes, Stormwater concerns, ownership of the lot dedicated for Stormwater, and an escrow account for engineering and attorney fees.

Next step for the Planning Board is to issue a letter to the Applicant indicating that it is considered as a major subdivision and that they have received a complete concept site plan application. The Board will then apply the conditions for the development that are to be incorporated into the preliminary Site Plan. Once that is issued, the applicant has 180 days to file the preliminary Site Plan.

Board Member French made a motion to adjourn into executive session to discuss the conditions and the letter for the major subdivision; Board Member Dygert seconded the motion.

The meeting was adjourned at 7:46 p.m.

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

Board Member French made a motion to close the executive session; Board Member Warner seconded the motion.

The meeting reconvened at 8:05 p.m.

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

The Board tabled the review of the Site Plan until the next Planning Board meeting that is to be held on Tuesday, September 6, 2022.

No other business to come before the Board. Board Member Dygert made a motion to adjourn the meeting; Chairman Parsons seconded the motion. All were in favor. The meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney