



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Meeting Minutes

Tuesday, September 3, 2024

7:00 pm

Board Members Present: Jackie French
John Hastings
Penny Page
Chris Parsons
Trish Peterson, Chairwoman
Rick Petzke
Tracy Warner, Vice Chairwoman

Board Members Absent: Liv Lovejoy, Alternate

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Megan Dorritie, Town Attorney
Wes Pettee, LaBella Associates

Chairwoman Peterson called the meeting to order on or about 7:00 pm. She asked if the Board Members had any comments, questions, concerns, or corrections about the August 5, 2024 meeting minutes. Hearing no comments, Board Member French made a motion to accept the minutes of August 5, 2024 as presented; Board Member Page seconded the motion. All were in favor. The Board accepted the minutes as presented.

Continued

Public Hearing - Site Plan of Arbor Housing and Development to develop 60 units of senior apartments located at 1205 Plymouth Avenue, Elmira, New York, tax map #109.08-2-51, zoned Commercial Regional.

Brian Grosse, with Fagan Engineers, discussed the review letter received from LaBella Associates. Mr. Grosse stated that most of the comments were addressed. New York State Department of Transportation (NYSDOT) is requiring the project to obtain a NYSDOT permit for any work that is being done on Cedar Street in the right-of-way. The existing driveway on Cedar Street will be closed.

The lighting will be addressed with Fagan Engineer's architect. They discussed lowering the pole lights on the property. They will add lighting on the buildings,

entryways, patio-areas, and at the dumpster enclosure.

The Stormwater review letter from the Stormwater Coalition was discussed. Mr. Grosse will work with the Stormwater Coalition. Stormwater Coalition would like a broader soil profile. Dry well numbers will be refined. Mr. Grosse stated that the stormwater system shown in the drawings will hold 100-year storm.

The concrete area will not be concrete but will be recreational open-space with raised-beds for seniors. The sidewalks and curbing will be flush, ramps will not be needed. Mr. Grosse will discuss entrances with the Town Highway Superintendent. The space between the buildings will be 12-foot wall height.

Wes Pettee, LaBella Associates, discussed that numerous comments have been addressed. The recreational open-space should fit into the character of the neighborhood. There were several technical comments regarding underground utilities. The lighting plan should be updated. The Stormwater Coalition comments may include design changes. Mr. Pettee stated that consistency needs to be addressed in the Fagan Engineer site plan. Mr. Pettee suggested that the Planning Board could move forward with a resolution with conditions. The Code Enforcement Officer will oversee that the conditions to the Site Plan approval are met.

The deadline for Arbor Housing to submit their application for approval to New York State is September 18, 2024. A Site Plan approval is required for the application. If Arbor does not receive the funding, they would apply for it again in the year 2025. The site plan approval expires in one year if there has not been substantial construction, there is an opportunity to extended that.

The Board discussed the SEQR process. The project is an unlisted action, the Planning Board could do an uncoordinated review on SEQR. The permits that the applicant would need would be conditioned of any approval that is given.

Chairwoman Peterson made a motion to confirm an uncoordinated review for SEQR for the Arbor Housing and Development application; Board Member French seconded the motion. No discussion on the motion. All were in favor.

AYES: French, Hastings, Page, Parsons, Peterson, Petzke, Warner

ABSENT: None

NOES: None

MOTION CARRIED.

Chairwoman Peterson closed the public hearing and turned it over to the Planning Board.

Mr. Pettee and the Board discussed the SEQR Part 2 Impact Assessment.
Attachment to Part 3 EAF – Reasons Supporting Determination

Name of Action: Arbor Housing – Southport Apartments

Project Location: 1205 Plymouth Ave, Elmira, NY 14904; Chemung County

Parcel Information: Tax Map #109.08-2-51

Project Description: The project involves the construction of four (4) four (4) unit town homes and a 44 unit multi-family building for a total of 60 units. With the buildings, the project will also consist of a parking lot, dumpster enclosures, connection of public utilities, grading, and stormwater.

SEQR Status: Unlisted Action

Anticipated Approvals and Permits:

Town of Southport– Site Plan Approval and Driveway Permits

Town Building Permit

Elmira Water Board

Chemung County Sewer District

Elmira Water Board – Plumbing Permit & BFP Program

Chemung County Planning Board – 239m

NYS DOT Sidewalk and Removal of curb cuts

NYSDEC General Permit Discharges for Stormwater from Construction

Funding:

NYSHCR

NYSOMH

NYS OTDA/HHAC

Submission: A Short Part 1 Environmental Assessment Form was prepared for the proposed action dated on March 15, revised on May 15, 2024, and last revised and signed on August 5, 2024. Signature is by Danielle Kenny, Director Real Estate Development, Arbon Housing.

REASONS SUPPORTING THE SEQR DETERMINATION:

Classification of Action: The project does not meet any of the Type I thresholds identified in 6 NYCRR Section 617.4 (b) of the SEQRA regulations. The project does not meet any of the Type II qualifiers as identified in Section 617.5. As such the action is classified as an Unlisted Action.

Magnitude of the impact should be determined based on the facts provided in Part 1 and on the scale and context of the project. The following definitions apply:

No Impact: No impact will occur if the proposed action is consistent with the community's adopted plan and zoning, does not cause a change in the intensity of land use in the area, does not change the quality of the existing community or its character,

does not change or impact any environmental resource or infrastructure, or create a hazard to human health as identified in Part 1.

Small Impact: These are impacts that are minor in magnitude and that have small or limited effects on environmental resources. Small impacts may also occur when an impact is limited to a small area. Small impacts are usually isolated, of minimal size, intermittent or short in duration (days to weeks), and do not affect rare or unusual species, habitats, or other resources. Small impacts include those that would generally be considered negligible and minor. These are often impacts from activities or resources that are not regulated or protected by any local, State or national agency.

Moderate Impact: These are impacts that are moderate in magnitude and that have more impact on environmental resources. Moderate impacts can also occur when the impact affects a larger part of the parcel or even a small area extending just beyond the parcel. Moderate environmental impacts may be either isolated (only in one location), or of regional concern. They generally are longer lasting (moderate in duration in weeks or several months), are largely reversible and can be readily addressed through mitigation measures or project changes. The resources affected often have broader local or regional concern and often are activities or resources that are regulated or protected by some local, State, or national agency.

Large Impact: These are impacts that are severe in magnitude or cover larger areas in the neighborhood or community. The environmental impacts anticipated could be irreversible, challenging to mitigate, of wide regional scale, or of long duration. A large impact may also be unlikely to occur, but if it does, would be very damaging to the environment. The resources affected often have broader local or regional concern and often are activities or resources that are regulated or protected by some local, State, or national agency.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Review EAF Part 1 Questions 1, 4, and 5.

Scale: The proposed action is 2.5-acres.

Context:

Area is zoned Commercial Regional, permitted uses include:

Multi-dwelling Unit– S – Permitted under Site Plan Approval by Planning Board

Town of Southport Final Comprehensive Plan was adopted March 2014. The proposed Action does not appear to be in conflict with stated vision, goals, and objectives. The project aligns with Vision Statement “provide desirable housing choices, and retain and attract new residents...”

Goal 2: Accommodate changing population, showing aging, development of a range of housing types.

The Chemung County Agricultural and Farmland Protection Plan was adopted in April 2011. The proposed Action is not located within an agricultural district. The proposed action does not appear to be in conflict with the adopted plan.

The Town of Southport does not have an adopted open space plan or local waterfront revitalization plan.

The site was previously mobile home park with 40 mobile homes, removed between May 2013 and September 2016. The proposed Action is similar in relation to previous use and adjacent parcels, the neighborhood, and the community as a whole.

Measuring Impact:

Negligible to small impact as the impact is limited to a small area and consistent with Zoning and neighboring land use, generally to be considered negligible and minor.

2. Will the proposed action result in a change in the use or intensity of use of land?

Review EAF Part 1 Questions 3, 4, 6, 8, 10, 11, 14, 17, and 18.

This question asks the lead agency to review two related but different aspects of the proposed action: a change in the use of the land, and a change in the intensity of the use of the land.

Scale: The existing site size is 2.5 acres and is currently vacant. The proposed action includes development of 60-unit housing.

Context, the following questions are considered:

Are there similar land uses in the surrounding area, or will the project introduce a new land use that does not currently exist?

There are similar land uses in the surrounding area. The proposed action is consistent with the predominant character of the existing built environment.

Are there proposed changes to existing buildings?

No existing buildings on site, neighboring zones include Commercial Residential and Residential 3.

Will the existing road system be able to handle the increase in traffic, or the type of vehicles the project will need to accommodate?

Parking analysis was conducted by the applicant and states, “60 parking spaces will be sufficient to provide parking for the proposed 60 unit senior apartment project.” The NYSDOT AADT shows Plymouth Ave is a minor roadway with no data available, the neighboring Cedar Street (NY427) has an estimated 6,354 AADT (2019). The existing road system is anticipated to be able to accommodate the proposed increase in traffic.

Will there be a higher level of noise or light generated?

Noise generated from the proposed use is anticipated to be consistent with surrounding land use.

The applicant provided a lighting plan which demonstrates minimized light trespass

Measuring Impact:

Negligible Impact to Small Impact in reference to the use or the intensity of the use of land.

3. Will the Proposed Action impair the character or quality of the existing community?

Review EAF Part 1 Questions 6 – primary, 1, 3, 4, and 5.

Community character is defined by all the man-made and natural features of the area. It includes the visual character of a town, village, or city, and its visual landscape; but also includes the buildings and structures and their uses, natural environment, activities, town services, and local policies that are in place.

Scale: The action is consistent with the predominant character of the existing built environment.

Context:

Will there be a change to the visual or architectural character of the broader landscape or streetscape, or will it introduce a different sized structure than currently exists?

The proposed action will develop a two-story multi-unit housing.

Does it create a change in the nature or intensity of land uses in the area?

The proposed action changes a vacant parcel to senior multi-unit housing.

Does it create the need for more public services such as parks, recreation facilities, police, or fire protection?

The proposed action is not anticipated to create the need for more public services, the applicant reviewed the project with fire and modified the structure from 3-story to 2-story.

Measuring Impact:

Negligible Impact, Small Impact in reference to the character or quality of the existing community.

4. Will the Proposed Action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area.

Review EAF Part 1 Question 7 – primary, 4, 12, 13, 14, and 15.

The area is not established as a Critical Environmental Area. No Impact is determined.

5. Will the Proposed Action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Review EAF Part 1 Question 8 – primary, and 2.

Evaluating the impact of increased traffic levels must be done in terms of the scale and context of the project. Impacts need to be determined through an understanding of the number of new vehicles that will be added as a result of the project, the number of cars already on the road, and the capacity and physical condition of the road.

Scale: The DEC provides Short Environmental Assessment Form Workbook (Q. 8, Short EAF (Part 1) Traffic / Transportation - NYSDEC) which includes Table 1 identifying Land Use and Thresholds for substantial increase in traffic for which a Traffic Impact Analysis should be conducted. Table 1 for the Land Use Apartment provides that greater than 150 residential dwelling units would be greater than or equal to 100 peak hour trip thresholds. The proposed 60-unit complex is below the threshold and a significant traffic impact is not anticipated.

Context:

Will the proposed action result in any change in traffic?

In addition to the scale, the proposed tenants are seniors with anticipated lower vehicle count and fewer trips than other populations.

Do the roads have the capacity to hold the expected level of additional traffic? Are there any safety concerns? Are existing and proposed sight distances adequate, is there adequate emergency vehicle access, are there known or anticipated collision problems?

Parking analysis was conducted by the applicant and states, “60 parking spaces will be sufficient to provide parking for the proposed 60 unit senior apartment project.” The NYSDOT AADT shows Plymouth Ave is a roadway with no data available. Plymouth Ave is a two lane road, with no striping, and posted at 30 MPH. The proposed design includes two entrances to Plymouth Ave, both include appropriate curb cuts and stop signs. Cedar Street (NY427) has an estimated 6,354 AADT (2019). Cedar Street has two lanes plus a central turning lane, is striped, and has a posted speed limit of 35 MPH. The existing road system is anticipated to be able to accommodate the proposed increase in traffic.

Measuring Impact:

Negligible or small impact to the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.

6. Will the Proposed Action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities.

Review EAF Part 1 Question 9.

Exceeding the requirements of the state energy code or including renewable energy into the project design could make a proposed project more environmentally compatible, reduce greenhouse gases, and be more consistent with the municipality's environmental goals.

Scale: The applicant states that the project will meet or exceed the state energy code requirements. The scale of energy impact is therefore negligible to small.

Context: The Chemung County Planning Board Referral Recommendation dated April 30, 2024 review included statement, “EV charging or capacity should be considered.”

The applicant provided in August SEQR the following response to Question 9:

Question 9

The Southport Apartments will be pursuing LEED ZERO and LEED for Homes V4 and 4.1 Gold following Energy Star MFNC ERI pathway and Energy Star single family New Homes programs to achieve high energy efficiency. The Development will advance New York State's Climate Leadership and Community Protection Act (“Climate Act”) by meeting stretch goals of the 2023 HCR Sustainability Guidelines for New Construction. By matter of achieving LEED Gold+Zero Certification as outline in the Sustainability Guidelines, the development will far exceed current energy code and utilize all-electric systems to eliminate all fossil fuels for heating, cooling, and common living needs.

Furthermore, the building design will include a state-of-the-art HVAC system, or equivalent, for heating and colling, high efficiency ERV system(s) for clean air circulation, Energy Star appliances and light fixtures, water conserving fixtures, no volatile organic compound paints and green label floor coverings. The envelope will maximize insulation, air tightness and minimize heat/energy loss and thermal bridging. The development will include renewable energy technology to reduce common area utility expenses. Building energy monitoring and tracking including benchmarking, smart building monitoring and controls will be installed. In doing so, the development will without a doubt advance the Climate Act all while offering robust comfort and livability for the residents to reside at the community to be built.

Measuring Impact:

Negligible or small impact to the use of energy.

7. Will the Proposed Action impact existing public/private water supplies? Public/private wastewater treatment utilities?

Review EAF Part 1 Question 10 and 11.

Proposed projects that will connect to an existing public water supply with adequate capacity, and adequate plans for growth, will likely only have a small impact on the water supply.

Scale:

The multi-unit housing development is anticipated to have similar demands on the public water supply as the previous mobile home park. The sanitary sewer use is anticipated to be similar to water supply.

Context:

The Proposed Action will require supply of public water and disposal to public wastewater. The existing public water supply and public wastewater facilities are capable of handling the proposed project needs.

Measuring Impact:

Negligible or small impact on existing public/private water supplies and public/private wastewater treatment utilities.

8. Will the Proposed Action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Review EAF Part 1 Questions 4, 7, 13, 14 and 15.

Scale: The project area is 2.5 acres and is not adjacent to historic, archaeological, architectural, aesthetic resources as identified by CRIS.

Context:

The project area does not include, nor is it within 500' of National State Register of Historic Places or eligible for listing. The project is located near archaeological buffer area.

The applicant stated in Engineering Report dated August 6, 2024, "Since the proposed project requires a SWPPP, an "All Clear" letter from the State Historic Preservation Office (SHPO) is required. The initial submission of this letter was submitted on March of 2024 on New York States Cultural Resource Information System (CRIS) mapper. After a review by SHPO an "All Clear" letter was given to the project on April of 2024."

Measuring Impact:

Negligible or small impact to the character or quality of important historic, archaeological, architectural or aesthetic resources.

9. Will the Proposed Action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Review EAF Part 1 Questions 4, 7, 13, 14, and 15. Questions 10, 11, 17, 19, and 20 indirectly provide information on groundwater impacts.

Scale: The Proposed Action area of disturbance is 2.5 acres; the site is previously disturbed and includes minimal natural resource habitat to support flora and fauna. The Northern Long-eared Bat is identified in the project area and tree removal is planned. The applicant provided in the Engineering Report dated August 5, 2024, “According to New York State Department of Environmental Conservation, there have been no known Northern Long Eared Bat occurrence within Chemung County since 2022. Since there was a hit on IPaC, there will be no tree trimming between April till November of the Construction year.

Context:

Natural resources on the site are limited. Direct connection to waterways off-site are interrupted by Chemung County stormwater management. There are no regulated wetlands on the project site. The nearest waterway is approximately 750 LF to the south, separation is provided by Cedar Street and a levee. Runoff and impact to groundwater are proposed to be controlled by stormwater management practices. The Planning Board is in receipt of the August 26, 2024 Chemung County Stormwater Coalition Review of the Stormwater Management Plan which includes five Hydrologic Modeling review comments, 2 Soil Restoration & Decompaction review comments, 1 Design Infiltration Rates for Proposed Infiltration Facilities comment, 5 Stormwater Management comments, 4 Stormwater Collection & Conveyance review comments, 1 Soil Testing & Evaluation comment, 4 Erosion & Sediment Control review comments, Operation & Maintenance Agreement review comments, and 1 Miscellaneous comment.

We ask the applicant to provide an update on correspondence or concurrence from the Chemung County Stormwater Coalition on the stormwater management design.

Measuring Impact:

Negligible or small impact in reference to natural resources.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Review EAF Part 1 Questions 16 and 17.

The project is located outside of the 100-year floodplain. The proposed action will create storm water drainage. Rooftop drainage will be directed to drywells, allowing flows to be infiltrated into the ground.

As stated above in 9, we ask the applicant to provide update on correspondence or concurrence from the Chemung County Stormwater Coalition on the stormwater management design.

Scale: The Proposed Action area of disturbance is 2.5 acres.

Context:

Land disturbance on previously disturbed lands is planned. Management of stormwater from the site will be approved by Chemung County Stormwater Coalition. The project will disturb more than 1-acre and will require a Stormwater Pollution Prevention Plan. There are no important surface drinking water supplies nearby. An Erosion and Sediment control plan is provided and will be adhered to during construction.

Measuring Impact:

Negligible or small impact in reference to potential for erosion, flooding, or drainage problems.

11. Will the proposed action create a hazard to environmental resources or human health?

Review EAF Part 1 Questions 18, 19, and 20.

This question evaluates hazards that include any solid or hazardous waste. Hazards may result from previous land uses.

Scale: The Proposed Action area of disturbance is 2.5 acres.

Context:

The DEC Info Locator does not identify inactive landfills, vehicle dismantling facilities, petroleum bulk storage, chemical bulk storage, environmental easements, remediation parcels at the project site. The Proposed Action is not anticipated to generate hazardous air pollutants.

Measuring Impact:

Negligible or small impact in reference to creation of a hazard to environmental resources or human health.

Resolution No. 010-2024 PB

**SEQRA RESOLUTION OF DETERMINATION
TOWN OF SOUTHPORT**

**ARBOR HOUSING SOUTHPORT APARTMENTS
1205 PLYMOUTH AVENUE**

At the meeting of the Town of Southport Planning Board held on Tuesday, September 3, 2024, Chairwoman Peterson moved adoption of the following resolution; Vice Chairwoman Warner seconded the motion and was passed.

WHEREAS, Arbor Housing and Development (the “Applicant”) submitted a site plan application on or about March 19, 2024, last supplemented on or about August 21, 2024, (the “Application”), which proposes development of an approximate 2.5-acre parcel located at 1205 Plymouth Avenue, Tax Map Number 109.08-2-51, Town of Southport, Chemung County, New York (the “Property”); and

WHEREAS, the Application proposes development of the Property with five buildings, four of which would contain 4-unit townhouses each (16 units total), and the fifth building would be a 2-story multi-family building containing 44 units. Other site improvements include but are not limited to 60 parking spaces, site lighting, utilities, stormwater management, landscaping, and new sidewalk along Plymouth Avenue as more fully depicted and described within the Applicant's submission materials including, but not limited to site plan drawings prepared by Fagan Engineers dated March 13, 2024, last revised August 21, 2024, Fagan Engineers Letter of Intent dated June 18, 2024, Fagan Engineers request for a reduction in the number of required parking spaces dated July 1, 2024, Lighting Plan sheets prepared by RAB dated June 27, 2024, SWBR Presentation Plans and Exterior Elevations last revised August 21, 2024, Engineers Report dated August 5, 2024, and Part I Short Environmental Assessment Form dated March 15, 2024, last revised August 5, 2024, (the "Project"); and

WHEREAS, the Applicant has prepared Part 1 of the Short Environmental Assessment Form (SEAF) for the Project in accordance with 6 NYCRR 617.6(a)(3) for Unlisted Actions; and

WHEREAS, the Town has acknowledged receipt of the Application Materials and has deemed them sufficient to initiate review of the proposed Project in accordance with the Town Code; and

WHEREAS, the Town Planning Board has jurisdiction over the Application as the Project requires site plan approval; and

WHEREAS, the Town Planning Board has determined, in accordance with 6 NYCRR 617.6 that: (i) the proposed Project appears to be an Unlisted Acton under SEQRA; (ii) uncoordinated SEQRA review shall be undertaken in accordance with 6 NYCRR 617.6(b)(4); and

WHEREAS, the Application was referred to the Chemung County Planning Board under General Municipal Law, Section 239-m, and the Chemung County Planning Board ("CCPB") responded to the Town of Southport referral on April 30, 2024, indicating *"On 04/25/24 the Chemung County Planning Board reviewed the following proposal from the Town of Southport concerning the Plymouth Apartments Site Plan and CCPB gave the following recommendation on the proposal: Approval"* and provided the reasoning and additional comments: *"Work on Cedar will require a DOT Permit. SWPPP will be needed. A Landscaping plan and EV charging or capacity should be considered. It is good to see new senior housing projects."* and

WHEREAS, the Planning Board convened a public hearing on July 1, 2024 and closed public hearing on September 3, 2024; and

WHEREAS, with the assistance of its consultants, including the consulting Engineer (LaBella Associates), the Town Attorney, as well as Town staff, the Planning Board has carefully examined the SEAF, the Application, all materials accompanying the Application, and all other materials related thereto, including information and comments offered at its meetings; and

NOW THEREFORE BE IT RESOLVED, that in accordance with the SEQRA Regulations, the Town of Southport Planning Board hereby affirms classification of the Project as an Unlisted Action; and

BE IT FURTHER RESOLVED, the Town of Southport Planning Board, has reviewed and considered Part 1 of the SEAF, Application materials, public comments and environmental record concerning the Project, and has carefully reviewed and considered Part 2 of the SEAF and finds that although potential environmental impacts were identified, none of the impacts were found to be significant; and

BE IT FURTHER RESOLVED, that in using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3), the Planning Board finds that the Application and related Project will not cause a significant adverse environmental impact that would otherwise necessitate the preparation of an environmental impact statement, and the Town of Southport Planning Board hereby issues a Negative Declaration of Environmental Significance, as indicated in the attached SEAF Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance; and

BE IT FURTHER RESOLVED, that the Planning Board's adoption of the Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law of the State of New York and implemented under 6 N.Y.C.R.R. Part 617; and

BE IT FURTHER RESOLVED, that notice of this resolution and the Notice of Negative Declaration shall be filed to the extent required by the applicable regulations under SEQRA and/or any other relevant statute or regulation; and

BE IT FURTHER RESOLVED, the Chair of the Planning Board be and hereby is authorized to execute further documents that may be required to complete the issuance of the Negative Declaration authorized herein.

AYES: French, Hastings, Page, Parsons, Peterson, Petzke, Warner

ABSENT: None

NOES: None

MOTION CARRIED.

Resolution No. 011-2024 PB

Town of Southport

**ARBOR HOUSING AND DEVELOPMENT – SOUTHPORT APARTMENTS
PRELIMINARY AND FINAL SITE PLAN**

At the meeting of the Town of Southport Planning Board held on September 3, 2024, Board Member Petzke moved adoption of the following resolution; Board Member Hastings seconded the motion and was passed.

WHEREAS, Arbor Housing and Development (the “Applicant”) submitted a site plan application on or about March 19, 2024, last supplemented on or about August 21, 2024, (the “Application”), which proposes development of an approximate 2.5-acre parcel located at 1205 Plymouth Avenue, Tax Map Number 109.08-2-51, Town of Southport, Chemung County, New York (the “Property”); and

WHEREAS, the Town of Southport Zoning Map depicts the subject Property as being within the CR (Commercial Regional) Zoning District, and Attachment 1, Use Table, of Chapter 525 of the Southport Town Code identifies that a multi-unit dwelling is a permitted use within the Commercial Regional Zoning District, subject to site plan review; and

WHEREAS, the Application proposes development of the Property with five buildings, four of which would contain 4-unit townhouses each (16 units total), and the fifth building would be a 2-story multi-family building containing 44 units. Other site improvements include but are not limited to 60 parking spaces, site lighting, utilities, stormwater management, landscaping, and new sidewalk along Plymouth Avenue as more fully depicted and described within the Applicant’s submission materials including, but not limited to site plan drawings prepared by Fagan Engineers dated March 13, 2024, last revised August 21, 2024, Fagan Engineers Letter of Intent dated June 18, 2024, Fagan Engineers request for a reduction in the number of required parking spaces dated July 1, 2024, Lighting Plan sheets prepared by RAB dated June 27, 2024, SWBR Presentation Plans and Exterior Elevations last revised August 21, 2024, Engineers Report dated August 5, 2024, and Part I Short Environmental Assessment Form dated March 15, 2024, last revised August 5, 2024, (the “Project”); and

WHEREAS, Section 525-78 of the Southport Town Code authorizes the Planning Board to, waive off-road parking in whole or in part upon findings noted in subparagraphs A, B or C; and

WHEREAS, the Town of Southport Planning Board (the “Planning Board”) opened a public hearing for the Application on July 1, 2024, as required by Section 525-57, Paragraph D of the Southport Town Code, affording the public an opportunity to comment on the proposed Project, and the public hearing was closed on September 3, 2024; and

WHEREAS, the Application was referred to the Chemung County Planning Board under General Municipal Law, Section 239-m, and the Chemung County

Planning Board (“CCPB”) responded to the Town of Southport referral on April 30, 2024, indicating “On 04/25/24 the Chemung County Planning Board reviewed the following proposal from the Town of Southport concerning the Plymouth Apartments Site Plan and CCPB gave the following recommendation on the proposal: Approval” and provided the reasoning and additional comments: “Work on Cedar will require a DOT Permit. SWPPP will be needed. A Landscaping plan and EV charging or capacity should be considered. It is good to see new senior housing projects.” and

WHEREAS, the Planning Board retained an independent Professional Engineer, LaBella Associates, to assist with the review of the Application, and LaBella Associates provided a comment letter dated August 5, 2024, last updated on August 28, 2024, that provided technical expertise to assist the Planning Board and comments to be addressed by the Applicant; and

WHEREAS, the Chemung County Stormwater Coalition provided a letter dated August 26, 2024 that provide comments related to stormwater and the Stormwater Pollution Prevention Plan (SWPPP); and

WHEREAS, the Application was considered under the State Environmental Quality Review Act (“SEQRA”), and was classified by the Planning Board as an Unlisted Action, and the Planning Board conducted an uncoordinated review of the project, and found that environmental impacts from the Project do not rise to a level of being large or significant, as more fully described in Part 2, Part 3 of the Short Environmental Assessment Form, and as the impacts were not found to rise to a level of having the potential to be significant adverse environmental impacts, the Planning Board issued a Negative Declaration on September 3, 2024;

NOW THEREFORE BE IT RESOLVED, that although the Southport Town Code would require a total of 90 off-street parking spaces (1.5 spaces per unit) the Planning Board waives this requirement, in part, to allow the site to contain no less than 60 parking spaces. The Applicant and their representative have provided sufficient evidence in their July 1, 2024 letter and attachment that indicates that parking spaces for senior housing uses is less than the need for parking spaces in traditional multi-family housing projects; and,

BE IT FURTHER RESOLVED, that the Site Plan Application by Arbor Housing and Development for the proposed 60-unit multi-family senior housing project at 1205 Plymouth Avenue, site plan set drawn by Fagan Engineers, last revised August 21, 2024, along with the Lighting Plan set prepared by RAB, dated June 27, 2024 be **CONDITIONALLY APPROVED**, and

BE IT FURTHER RESOLVED, the Town of Southport Planning Board hereby requires, as conditions of site plan approval, the following:

1. That comments in a letter dated August 28, 2024 from LaBella Associates shall be addressed.

2. Comments in the August 26, 2024 letter from the Chemung County Stormwater Coalition be addressed and that the site plan drawings and SWPPP be updated to reflect any design changes associated with said Chemung County Stormwater Coalition comment.
3. That an updated lighting plan be provided and that comments related to lighting be addressed to the satisfaction of LaBella Associates, the Planning Board's consulting Engineer.
4. Contingent of NYSDOT accessible curb cut approval.
5. Contingent of Town Highway approval.
6. Any sign will comply with all requirements found in the Town Municipal Zoning Code.

AYES: French, Hastings, Page, Parsons, Peterson, Petzke, Warner
ABSENT: None
NOES: None
MOTION CARRIED.

Next on the agenda was the continued Public Hearing for Aces & Eights.

Continued

Public Hearing - Site Plan Amendment of Aces & Eights, David Cleary, to designate existing store as a Convenience Food Mart located at 1156 Broadway, Elmira, New York, tax map #109.10-1-25, zoned Commercial Regional

David Cleary sent an email to the Planning Board Secretary on Friday, August 30, 2024 stating he would like to withdraw his application.

Next was review of the Site Plan application of NY Southport I, LLC for the development of a Community Solar Farm facility located at 1309 Maple Avenue, Elmira, New York, tax map #100.00-1-2.1 and 100.00-1-1.21, zoned Agricultural Residential.

Brian Dunleavy and Matt Mihaly, Delaware River Solar Project Developer, along with Kelly Sullivan, LaBella Associates, engineering partner on the project, spoke about the project. The project involves the development of an approximate 2.8 MW AC solar farm with single access trackers. No battery storage is proposed. There is a lease agreement with the property owner. An eight-foot-high farm fence with gate will surround the area. The project is within the 100 year and 500 year floodplain. There is a decommissioning plan. Construction would take four to six months to complete.

The Board discussed the construction noise and the project being within the floodplain. The land is not prime agricultural land and not classified as an agricultural district. The project is under 25% of the threshold.

The Board discussed that the project is Type I action under SEQR.

Attorney Dorritie discussed the quote for engineering assistance. She advised the Board to make a motion to contract with Hunt Engineers for the review and refer it to the Town Board so that the Town Board can set up an escrow account for the applicant to pay for the fees.

Board Member French made a motion recommending that the Town Board open an escrow account in the amount of \$3,750 plus reimbursable expenses for the applicant for site plan review to pay the necessary fees and/or cost of the engineer to review the application and accept the contract with Hunt Engineers for those services as proposed in the Town Code §525-65 Professional assistance to assist with the site plan review for NY Southport I, LLC (“the applicant”) for the development of a community solar farm facility located at 1309 Maple Avenue, Elmira, NY tax map #100.00-1-2.1 and #100.00-1-1.21 zoned Agricultural Residential. Chairwoman Peterson seconded the motion.

AYES: French, Page, Parsons, Peterson, Petzke, Warner
ABSTAIN: Hastings
ABSENT: Lovejoy
NOES: None
MOTION CARRIED.

Attorney Dorritie explained that under the Solar Law, the Planning Board only has 30 days to let the applicant know that the application is complete. Given that the Board was able to get an Engineer onboard at the September 3, 2024 meeting, she asks the applicant if they agree with an extension on the 30 days. The applicant will provide the SWPPP on September 4, 2024. The next meeting will be held on Monday, October 7, 2024. The applicant agreed to the extension to be Monday, October 7, 2024.

The parcels must be combined with the Town Assessor or the applicant would have to apply for a variance from the Board of Appeals.

There were no further comments from the Board. Chairwoman Peterson set a public hearing for Monday, October 7, 2024 at 7:00 p.m. or as soon thereafter as it can be heard.

Hearing no other comments from the Board, Chairwoman Peterson made a motion declaring Lead Agency for SEQRA; Board Member Page seconded the motion. No discussion on the motion. The project is classified as a Type I Action under the State Environmental Quality Review Act (SEQRA).

Resolution No. 012-2024 PB

Resolution of Intent to Act as Lead Agency for

**STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
Review of the Project Identified as
NY Southport I, LLC Solar Farm**

Resolution by: Peterson
Seconded by: Page

WHEREAS, the Town of Southport, New York (the “Town”) has received a site plan from NY Southport I, LLC (the “Applicant”), seeking approval for the development of a Community Solar Farm facility (the “Project”), on certain real property located at 1309 Maple Avenue, tax parcel #100.00-1-2.1 and 100.00-1-1.21 in the Town of Southport, County of Chemung, State of New York; and

WHEREAS, said application plan was submitted together with a SEQRA Full Environmental Assessment Form and other supporting documents and concept plans (“Application Materials”); and

WHEREAS, the Town has acknowledged receipt of the Application Materials, and the Town and the Applicant agree that as of the date of the meeting, the Application was incomplete as it was missing SWPPP information; and

WHEREAS, the Town Planning Board has jurisdiction over the Application because the Project requires site plan approval; and

WHEREAS, the Town Planning Board has determined, in accordance with 6 NYCRR 617.6, that: (i) the proposed Project appears to be a Type I Action under SEQRA; and (ii) the Town Planning Board is willing to act as Lead Agency for purposes of said review.

AYES: French, Page, Parsons, Peterson, Petzke, Warner
ABSTAIN: Hastings
ABSENT: Lovejoy
NOES: None
MOTION CARRIED.

Attorney Dorritie gave the Board an overview of the Article 78 lawsuit that was filed by Mr. Patros and Mr. Cook against the decision on the Byrne Dairy Site Plan approval. Our records are being compiled and response is due in October 2024.

No other business to come before the Board. Vice Chairwoman Warner made a motion to adjourn the meeting; Board Member Page seconded the motion. All were in favor. The meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney