



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD MEETING MINUTES

**Tuesday, September 6, 2016
Regular Meeting**

Minutes of a regular meeting of the Town of Southport Planning Board held at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on Tuesday, September 6, 2016 at 7:00 p.m.

Board Members Present: Larry Berman
Jacquelyn French
Linda Olthof
Chris Parsons
Michael Stephens, Chairman
Stephens
Tim Steed, Vice Chairman

Board Members Absent: John Hastings, Alternate Board Member
Linda Taft

Others Present: Steven Barnstead, Town Attorney
Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary

Chairman Stephens called the meeting to order at 7:00 p.m. He asked if the Board Members had any comments, questions, concerns or corrections about the August 1, 2016 minutes. Hearing no other comments, the Board accepted the minutes as presented.

Public Hearing – Steven Anderson to operate a gunsmith business in his home located at 616 Schuyler Avenue, Elmira, New York
Tax map #100.09-3-19
Zoned Residential 2 (R2)

Attorney Barnstead noted that the publication was in order. He read the legal notice of public hearing that appeared in the Star-Gazette. He then opened the public hearing for comment.

Charles Collins of Kinner Hill talked about the Obama Administration passing a bill that requires a gunsmith business to pay a large permitting fee. He states this was to prevent owning firearms.

No one else wished to be heard. The Attorney then closed the public portion of the meeting at 7:04 p.m. and turned it over to the Planning Board.

Mr. Anderson explained that the Federal License would be obtained after he received approval from the Planning Board. The gunsmith business includes attaching scopes to a rifle, cleaning and checking guns and special orders. He would have a small sign on the front of his building and use the existing porch lights.

After no further discussion, Board Member Berman made a motion to approve the site plan as presented with conditions. The SEQR application was declared an unlisted action with negative declaration. Board Member Olthof seconded the motion. There was no discussion on the motion.

Resolution No. 005-2016 PB

**SITE PLAN APPROVED FOR STEVEN ANDERSON TO OPERATE A GUNSMITH BUSINESS IN HIS HOME LOCATED AT 616 SCHUYLER AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK
TAX MAP #100.09-3-19
ZONED RESIDENTIAL 2 (R2)**

Resolution by: Berman
Seconded by: Olthof

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan from Steven Anderson to operate a gunsmith business in his home located at 616 Schuyler Avenue, Town of Southport, County of Chemung, State of New York, tax map #100.09-3-19 zoned Residential 2 (R2); and

WHEREAS, the applicant was referred to the Town of Southport Planning Board pursuant to the Use Regulation Table in the Town of Southport Municipal Code for a home occupation; and

WHEREAS, it was determined that this was an Unlisted Action and would not have a potentially significant effect on the environment; and

WHEREAS, the Town of Southport Planning Board conducted a public hearing on September 6, 2016 at 7:00 p.m., or as soon thereafter, 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 after due deliberation, investigation and consideration it is

RESOLVED, that the Town of Southport Planning Board hereby grants approval to the site plan presented by Steven Anderson to operate a gunsmith business in his home located at 616 Schuyler Avenue, Town of Southport, County of Chemung, State of New York, tax map #100.09-3-19 zoned Residential 2 (R2); with the following conditions:

1. Obtain necessary licenses and certifications

2. Guns are stored in a gun safe
3. If more employees are needed, he would relocate the business
4. Ramp installed would be ADA compliant

AYES: Berman, French, Olthof, Parsons, Steed, Stephens

ABSENT: Hastings, Taft

NOES: None

MOTION CARRIED

Public Hearing – RandyLee Ameigh to operate an automotive repair business located at 1121 South Main Street, Elmira, New York
Tax map #109.08-5-1
Zoned Commercial Neighborhood (CN)

Attorney Barnstead noted that the publication was in order. He read the legal notice of public hearing that appeared in the Star-Gazette. He then opened the public hearing for comment.

No one wished to be heard. The Attorney then closed the public portion of the meeting at 7:12 p.m. and turned it over to the Planning Board.

The Board discussed the required licenses to operate an auto repair business, the storage of vehicles way from the front setback, no outside storage of parts or debris, proper removal of oils and lubricants and no repairs would be done outside of the building. The will install a sign on the building and they will use the existing lighting.

After no further discussion, Board Member French made a motion to approve the site plan as presented with conditions. The SEQR application was declared an unlisted action with negative declaration. Vice Chairman Steed seconded the motion. There was no discussion on the motion.

Resolution No. 006-2016 PB

**SITE PLAN APPROVED FOR RANDYLEE AMEIGH TO OPERATE AN
AUTOMOTIVE REPAIR BUSINESS LOCATED AT 1121 SOUTH MAIN STREET,
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK
TAX MAP #109.08-5-1
ZONED COMMERCIAL NEIGHBORHOOD (CN)**

Resolution by: French

Seconded by: Steed

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan application from RandyLee Ameigh to operate an automotive repair business located at 1121 South Main Street, Town of Southport, County of Chemung, State of New York, tax map #109.08-5-1 zoned Commercial Neighborhood (CN); and

WHEREAS, the applicant was referred to the Town of Southport Planning Board pursuant to the Use Regulation Table in the Town of Southport Municipal Code for vehicle repair; and

WHEREAS, it was determined that this was an Unlisted Action and would not have a potentially significant effect on the environment; and

WHEREAS, the Town of Southport Planning Board conducted a public hearing on September 6, 2016 at 7:00 p.m., or as soon thereafter, 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 after due deliberation, investigation and consideration it is

RESOLVED, that the Town of Southport Planning Board hereby grants approval to the site plan presented by RandyLee Ameigh to operate an automotive repair business located at 1121 South Main Street, Town of Southport, County of Chemung, State of New York, tax map #109.08-5-1 zoned Commercial Neighborhood (CN) with the following conditions:

1. Obtain proper licenses from the state
2. No storage of vehicles in front setback
3. There would be no outside storage of parts or debris
4. Oil, antifreeze and other lubricants would be disposed of properly

AYES: **Berman, French, Olthof, Parsons, Steed, Stephens**

ABSENT: **Hastings, Taft**

NOES: **None**

MOTION CARRIED

Public Hearing – Dale Gullo to operate a fitness club located at 825 Pennsylvania Avenue, Elmira, New York
Tax map #99.19-2-66
Zoned Commercial Regional (CR)

Attorney Barnstead noted that the publication was in order. He read the legal notice of public hearing that appeared in the Star-Gazette. He then opened the public hearing for comment.

No one wished to be heard. The Attorney then closed the public portion of the meeting at 7:19 p.m. and turned it over to the Planning Board.

The Board discussed the part of the building that would be used for the fitness club. There is existing lighting outside that would be used. The signs would be installed per code. There would be one parking space used for handicap parking.

After no further discussion, Board Member Berman made a motion to approve the site plan as presented with conditions. The SEQR application was declared an unlisted action with negative declaration. Board Member Parsons seconded the motion. There was no discussion on the motion.

Resolution No. 007-2016 PB

**SITE PLAN APPROVED FOR DALE GULLO TO OPERATE A FITNESS CLUB
LOCATED AT 825 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY
OF CHEMUNG, STATE OF NEW YORK
TAX MAP #99.19-2-66
ZONED COMMERCIAL REGIONAL (CR)**

Resolution by: Berman
Seconded by: Parsons

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan application from Dale Gullo to operate a fitness club located at 825 Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #99.19-2-66 zoned Commercial Regional (CR); and

WHEREAS, the applicant was referred to the Town of Southport Planning Board pursuant to the Use Regulation Table in the Town of Southport Municipal Code for a fitness center/health club; and

WHEREAS, it was determined that this was an Unlisted Action and would not have a potentially significant effect on the environment; and

WHEREAS, the Town of Southport Planning Board conducted a public hearing on September 6, 2016 at 7:00 p.m., or as soon thereafter, 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 after due deliberation, investigation and consideration it is

RESOLVED, that the Town of Southport Planning Board hereby grants approval to the site plan presented by Dale Gullo to operate a fitness club located at 825 Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #99.19-2-66 zoned Commercial Regional (CR) with the following condition:

1. Installation of signs would be per Town Municipal Code.

AYES: Berman, French, Olthof, Parsons, Steed, Stephens
ABSENT: Hastings, Taft
NOES: None
MOTION CARRIED

Next the Board continued the discussion on the site plan amendment of Jake and Kadie Reese to host additional events at the Reese Ranch located at 299 Kinner Hill Road in Pine City. Attorney Barnstead explained that the public portion of the meeting was closed and the Board was continuing the discussion amongst the Board Members.

The Board discussed the requested information:

First item was the plot plan which showed the location of the arena, bleachers and where additional events such as weddings and birthday parties would take place. Speakers would point towards the hill. They would not have concerts.

Second item was the sound system. Mark Aumick measured the noise during the rodeo at the hedge row near the entrance at 42 decibels with peaks of 60-64 decibels. Lynn McNett of 284 Kinner Hill Road, Pine City explained that the rodeo on August 20th was so loud it was like sitting at a rock concert. The Board asked that they keep the noise level at an acceptable level.

Third item was lighting for the arena. The Board did not approve the addition of lighting to the arena for any of the events.

Fourth item was to list the events and where they would take place on the parcel. In the arena area they would like to have additional rodeo events, team penning, youth rodeos, barrel races, sorting and practices. Practices would take place on the weekends. Barrel races would be during the week or a Friday night starting in May and going through October.

The Board talked about the inconveniences to the neighbors and the country living. They talked about the SEQR and evaluated the impacts of the eight events. One of the questions asks if the proposed action impairs the character or quality of the existing community. The eight events were discussed and by adding more would impact the existing community. There must be a balance between the two.

Gary Ham of Kinner Hill was concerned with a wedding taking place on Kinner Hill, the guests drinking and then driving down the hill.

Kenny Ham of 232 Kinner Hill explained that his family has lived on the hill for five generations and that it has been a neighborhood. The rodeo came after the fact. It has changed the whole atmosphere of the neighborhood. He was denied a variance to operate a small auto sales business on Kinner Hill because it was going to add too much traffic to the road. That traffic is nothing compared to the amount of traffic generated by the rodeo events. He feels there is lack of supervision of the children attending the rodeo and had to chase some off his property. He is all for freedom and doing what you want to do on your property as long as it is lawful, does not impact the environment or the neighbors. He does not want any more than eight events and feels the Reese's should re-locate to where they could expand.

Bruce Sterling of Caton, New York has put a lot of hours in at the rodeo. He feels it is a benefit to the community. If more events were added they could do more events for the kids.

Michelle Putney has been part of the 4H program and talked about the equestrian program that no longer exists. She felt that the rodeo redirects troubled children.

Gretchen Ham of 247 Kinner Hill Road, Pine City has sympathy for the troubled children that Ms. Putney talked about but did not feel that conversation should be part of this meeting for the Board to make a decision. She feels the Board's decision should be the concern of the residents living on Kinner Hill. She has lived there for 61 years. They moved to the country because they like the country and she does not feel they should have to put up with the noise.

Gary Ham thinks they should have the youth rodeo as one of the eight events they are currently allowed. It started out as just practice, now they have eight events, and want more events and longer hours. The rodeo starts at 2:00 p.m. but the traffic and trailers start pulling in around 10:00 a.m. If the events start at 9:00 a.m. they would be pulling in a lot earlier than that.

Ashur Terwilliger president of the New York Farm Bureau talked about the agriculture disappearing from the county. The Farm Bureau encourages young entrepreneurs to raise farm animals. He thinks it is more of a neighborhood dispute. He supports the rodeo. He has worked with several towns to help iron out their disputes.

Clairmont Ham of 247 Kinner Hill Road talked about the noise from the speakers and that the events are turning into a recreation park.

The fifth item was the noise threshold. The Board discussed keeping the noise at a maximum of 50 decibels.

The sixth item was security and parking changes. The Board suggested they add security at the entrance to make sure patrons are not entering a neighbor's drive and to keep an eye on things. It was suggested that the participants utilize the upper entrance to alleviate the congestion at the neighbor's driveway.

The seventh item was the garbage in the hedge row. The Reese's have added dumpsters to help remedy the garbage.

The Reeses would like events seven days a week. Speakers would not be needed for practice. Approximately 50-60 people attend the practice. The Board suggested putting a limit on the attendance at practice. Private wedding and parties would be allowed. The hobby turned out to be a light commercial event and now it is turning into a large commercial event in a rural area.

Chairman Stephens made a motion to maintain the eight rodeo events, add an additional eight practices, and add six additional events such as youth rodeos, barrel races, penning events, no speakers for the practices, maintain decibel limits to 60 decibels. Board Member Linda Olthof seconded the motion. Discussion on the motion was the number of 22 events to be held. The noise levels max at 60 decibels. Code

Officer Peter Rocchi asked what time period the events would take place. Original events were approved for April 1 to September 30 2:00 p.m. to 7:00 p.m. Chairman Stephens amended his resolution to no events on Sundays. The Reese's asked for year round events. Vice Chairman Steed asked to limit the number of attendees at the practice. Chairman Stephens amended motion to year round practices with only 60 participants. The eight rodeo events could take place April 1 to October 31. Vice Chairman Steed and Board Member Parsons think that doubling the number of events is excessive and doubling the amount of disturbance to the community. The noise decibel should be set at a maximum of 50 decibels or lower. Lighting on the arena is not included in the motion.

Chairman Stephens went over the motion:

1. Maintain the 8 events
2. Add 6 additional events
3. Sound level maximum set at 50 decibels or lower
4. 8 practices year round with no speakers
5. Other events April 1 to October 31
6. Add security at the gate and along the perimeter
7. No Sunday events
8. All competitors must enter through the upper gate
9. No lighting shall be added to the arena

After no further discussion on the motion the Chairman asked the Secretary to call the roll:

AYES: Berman, Olthof, Stephens
ABSENT: Hastings, Taft
NOES: French, Parsons, Steed

The vote was three to three and Attorney Barnstead explained that the absent board member counts as a no vote. The motion was voted down.

Vice Chairman Steed made another motion:

1. 8 rodeo events April 1- October 31
2. 8 practices year round with no speakers and limited to 60 participants
3. 1 additional event that could be used for a youth rodeo, team penning or barrel racing
4. No Sunday events
5. Add security at the gate and the perimeter
6. No addition of lighting
7. Limit noise level to a maximum of 50 decibels at the property line

Board Member Olthof seconded the motion. There was no discussion on the motion. The Chairman asked the Secretary to call the roll:

AYES: Berman, Olthof, Parsons, Steed, Stephens
ABSENT: Hastings, Taft
NOES: French
MOTION CARRIED

Resolution No. 008-2016 PB

**SITE PLAN AMENDMENT APPROVED WITH CONDITIONS FOR JAKE AND KADIE REESE TO HOST ADDITIONAL EVENTS AT THE REESE RANCH RODEO LOCATED AT 299 KINNER HILL ROAD, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK
TAX MAP # 126.00-1-24.112
ZONED AGRICULTURAL RESIDENTIAL (AR)**

Resolution by: Steed
Seconded by: Olthof

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan Amendment from Jake and Kadie Reese to host additional events at the Reese Ranch located at 299 Kinner Hill Road, Town of Southport, County of Chemung, State of New York, tax map #126.00-1-24.112 zoned Agricultural Residential (AR); and

WHEREAS, the applicant was referred to the Town of Southport Planning Board pursuant to the Town of Southport Municipal Code for an amendment to original 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

WHEREAS, the Town of Southport Planning Board conducted a public hearing on August 1, 2016 at 7:00 p.m., or as soon thereafter, 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, the Planning Board tabled the discussion until the September 6, 2016 meeting; and

WHEREAS, at the September 6, 2016 Planning Board meeting, after due deliberation, investigation and consideration it is

RESOLVED, that the Town of Southport Planning Board hereby grants approval to the site plan amendment presented by Jake and Kadie Reese to host additional events at the Reese Ranch Rodeo located at 299 Kinner Hill Road, Town of Southport, County of Chemung, State of New York, tax map #126.00-1-24.112 zoned Agricultural Residential (AR) with the following conditions:

1. 8 rodeo events from April 1 to October 31
2. 8 practices year round with no speakers and limited to 60 participants
3. 1 additional event that could be used for youth rodeo, team penning or barrel racing
4. No Sunday events
5. Add security at the gate and the perimeter

6. No addition of lighting
7. Limit noise level to a maximum of 50 decibels at the property line

AYES: Berman, Olthof, Parsons, Steed, Stephens

ABSENT: Hastings, Taft

NOES: French

MOTION CARRIED

Other business to come before the Board was discussion about bicycle parking to be included in a site plan or the comprehensive plan and it goes along with the Complete Streets concept. They would like businesses to consider adding bike racks to their site plan. Chairman Stephens will provide more information for the next meeting.

The next item discussed was adding Complete Streets policy to the Comprehensive Plan. When there is construction to one of the streets in the Town of Southport there should be a checklist for the contractor to follow. The Town would not be financially responsible. Attorney Barnstead asked if it was required by New York State. Part of the Comprehensive Plan states that it is a walk-able community. The Board would review and discuss at the next meeting.

Vice Chairman Steed would like a follow-up report on the recommendation made by the Planning Board to the Town Board.

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Board Member Parsons seconded the motion. All in favor. The meeting was adjourned at 8:46 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney