



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD MEETING MINUTES

**Monday, December 5, 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 Monday, December 5, 2016 at 7:00 p.m.

Board Members Present: Jacquelyn French
John Hastings, Alternate Board Member
Linda Olthof
Chris Parsons
Michael Stephens, Chairman
Tim Steed, Vice Chairman

Board Members Absent: Larry Berman
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 November 7, 2016 minutes. Hearing no comments, the Board accepted the minutes as presented.

Next the Planning Board set the meeting schedule for the year 2017. All meetings will be held on the first Monday of each month with the exception of the January 2 meeting will be held on Tuesday, January 3 due to the 2nd being observed as a holiday and the September 4 meeting will be held on Tuesday, September 5 due to the Labor Day holiday. Deadline for site plan applications will continue to be the third Wednesday of each month. Board Member French made a motion to accept the meeting schedule; Board Member Olthof seconded the motion.

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

**Public Hearing - Hurley Farms, Inc. to expand existing gravel mine located at
1543 Maple Avenue, Elmira, New York
Tax map #110.00-1-11 and 110.00-1-8.2
Zoned Agricultural Residential (AR)**

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 7:07 p.m. and turned it over to the Planning Board.

Aaron Vergason of Hunt Engineers presented the application on behalf of Mr. Hurley. He explained that the application had been submitted to the DEC and they requested an archeological study and a noise study. The studies are in the process.

The Board discussed that the DEC is the acting Lead Agency and how they supersede the Town. A complete Environmental study has been provided. Dust and dirt from the truck traffic onto Maple Avenue would continue to be maintained and is already a requirement in place by the DEC that at least 400 feet from the entrance to the road has to be #2 stone or blacktop.

Board Member French made a motion to accept the site plan amendment with conditions; Board Member Olthof seconded the motion. Discussion on the motion was the Type I Action regarding SEQR.

Resolution No. 010-2016 PB

**SITE PLAN AMENDMENT APPROVED FOR HURLEY FARMS INCORPORATED TO
EXPAND EXISTING GRAVEL MINE LOCATED AT 1543 MAPLE AVENUE, TOWN OF
SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK
TAX MAP #110.00-1-11 AND #110.00-1-8.2
ZONED AGRICULTURAL RESIDENTIAL (AR)**

Resolution by: French
Seconded by: Olthof

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan Amendment from Hunt Engineers on behalf of Hurley Farms Incorporated to expand the existing gravel mine located at 1543 Maple Avenue, Town of Southport, County of Chemung, State of New York, tax map #110.00-1-11 and #110.00-1-8.2 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 the original site plan; and

WHEREAS, the project was classified as a Type I Action pursuant to the State Environmental Quality Review (SEQR) regulations (6 NYCRR Part 617) and Part 1 of the full Environmental Assessment Form (EAF) was prepared; and

WHEREAS, the Town of Southport Planning Board agreed that New York State Department of Environmental Conservation has the primary statewide responsibility for mining regulations and accepted their request to be designated as the Lead Agency for the SEQR review of the project; and

WHEREAS, the Town of Southport Planning Board conducted a public hearing on December 5, 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 amendment presented by Hurley Farms, Incorporated to expand the gravel mine located at 1543 Maple Avenue, Town of Southport, County of Chemung, State of New York, tax map #110.00-1-11 and #110.00-1-8.2 zoned Agricultural Residential (AR) with the following conditions:

1. Continue to maintain the dust and dirt from the truck traffic onto Maple Avenue with the requirement that is already in place by the DEC that at least 400 feet from the entrance to the road has to be #2 stone and/or blacktop.
2. Comply with any requirements that are put on the mine by DEC.
3. SEQR comments are passed on to DEC for their consideration.

AYES: French, Hastings, Olthof, Parsons, Stephens

ABSENT: Berman, Taft

ABSTAIN: Steed

NOES:

MOTION CARRIED.

Public Hearing – Maurice and Mary Wood to build a 30 foot by 50 foot building located at 958 Pennsylvania Avenue, Elmira, New York
Tax map #109.07-1-13
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.

Richard Drake of 952 Laurel Street was concerned with the building obscuring his view and it would only be two feet from the property line. Attorney Barnstead explained that the two parcels 926 Laurel Street and 958 Pennsylvania Avenue were in the process

of being combined and would then be classified as 958 Pennsylvania Avenue. Therefore Mr. Drake had no problem with the application.

No one else wished to be heard. The Attorney then closed the public portion of the meeting at 7:17 p.m. and turned it over to the Planning Board.

Michael Wood spoke on behalf of Maurice Wood. He explained that the Chemung County Planning Board did not have any issues with the building.

The Board discussed outside lighting and a driveway to the building. The building would be 16 feet tall and be a steel sided white neutral color so that it fits into the character of the neighborhood.

Board Member Parsons made a motion to accept the site plan amendment with conditions. The SEQR application was declared an unlisted action with negative declaration. Board Member French seconded the motion. There was no discussion on the motion.

Resolution No. 011-2016 PB

SITE PLAN AMENDMENT APPROVED FOR MAURICE AND MARY WOOD TO BUILD 30 FOOT BY 50 FOOT STORAGE BUILDING LOCATED AT 958 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK TAX MAP # 109.07-1-13 ZONED COMMERCIAL REGIONAL (CR)

Resolution by: Parsons
Seconded by: French

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan Amendment from Maurice and Mary Wood to build a 30 foot by 50 foot storage building located at 958 Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #109.07-1-13 zoned Commercial Regional (CR); 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 the 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 December 5, 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 amendment presented by Maurice and Mary Wood to build a 30 foot by 50 foot storage building located at 958 Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #109.07-1-13 zoned Commercial Regional (CR) with the following conditions:

1. Parcels are combined into one and not separated thereafter.
2. Exterior color is neutral earth-tone to fit into the character of the neighborhood.

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

ABSENT: Berman, Taft

NOES:

MOTION CARRIED.

Public Hearing – Kent Krauss to build a 48 foot by 48 foot addition to existing building and increase the number of vehicles allowed on the lot located at 969 Pennsylvania Avenue, Elmira, New York
Tax map #109.07-6-8
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 7:26 p.m. and turned it over to the Planning Board.

Kent Krauss explained that the building would only be 46 foot by 46 foot due to the property lines. He would like to put as many cars as he can on the lot. Code Officer Peter Rocchi explained that he could use the existing dry well for rainwater drainage.

The Board discussed setback requirements and location of vehicles. Cars for sale must be within the setback established in Section 525-110 in the Town Municipal Code.

§ 525-110 Vehicle filling stations, vehicle repair, vehicle sales and heavy equipment vehicle sales and/or repair, and/or contractor's equipment yard.

(3) Parking. (a) No vehicle shall be parked, stored or left standing within 15 feet of a road right-of-way.

The Board determined the required back yard setback for the building to be three (3) feet from the property line.

Vice Chairman Steed made a motion to accept the site plan amendment 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. 012-2016 PB

SITE PLAN AMENDMENT APPROVED FOR KENT KRAUSS TO BUILD 46 FOOT BY 46 FOOT ADDITION TO EXISTING BUILDING AND INCREASE NUMBER OF VEHICLES ON THE LOT LOCATED AT 969 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK TAX MAP # 109.07-6-8 ZONED COMMERCIAL REGIONAL (CR)

Resolution by: Steed
Seconded by: Olthof

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan Amendment from Kent Krauss to build a 46 foot by 46 foot addition to existing building located at 969 Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #109.07-6-8 zoned Commercial Regional (CR); 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 the 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 December 5, 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 amendment presented by Kent Krauss to build a 46 foot by 46 foot addition to existing building located at 969 Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #109.07-6-8 zoned Commercial Regional (CR) with the following conditions:

1. Vehicles for sale must comply with setbacks as per code 525-110.
2. Roof rainwater drainage would go into existing dry well.
3. Up to 70 vehicles allowed on the lot at one time.
4. Cars for repair would be placed in such a location on the lot to minimize from being seen from adjoining residential properties.
5. Building setback is three (3) feet from rear property line.

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

Complete Streets policy would remain on the agenda for the next meeting.

Chairman Stephens asked the members of the community that were in attendance if they had any comments. There were no comments.

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Board Member Olthof seconded the motion. All in favor. The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney