



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Regular Meeting

**Monday, March 6, 2017  
Meeting Minutes**

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, March 6, 2017 at 7:00 p.m.

Board Members Present: Larry Berman  
Jacquelyn French  
John Hastings  
Linda Olthof  
Chris Parsons  
Tim Steed, Vice Chairman (arrived at 7:11 p.m.)

Board Members Absent: Michael Stephens, Chairman

Others Present: Leslie Mauro, Town Attorney  
Peter Rocchi, Code Enforcement Officer  
Michelle Murray, Secretary

Board Member Parsons 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 February 6, 2017 minutes. Hearing no comments, the Board accepted the minutes as presented.

Next on the agenda was re-appointment of Board Member Linda Olthof whose term expires April 1, 2017. Mrs. Olthof did not want to be re-appointed. The Board appreciated and thanked her for serving on the Planning Board for 13 years. Board Member Parsons made a recommendation that the Town Board advertise to fill the vacant seat. Board Member French seconded the recommendation. No discussion on the motion. All were in favor.

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

The discussion on Complete Streets Policy has been tabled until the April meeting.

Next the Board discussed the referral from the Town Board regarding Dog Licensing Fees. The Town Clerk requested to continue to charge Senior Citizens \$3.50 per altered dog and \$13.50 for un-altered dogs and amend the current code Section 192-13 C that reads "Senior citizens age 65 or older shall be exempt from any local license fee." Board Member French made a recommendation that the Town Board accept the changes to Section 192-13C as requested by the Town Clerk. Board Member Berman seconded the motion. All were in favor.

Vice Chairman Steed arrived at the meeting at 7:11 p.m. Board Member Parsons turned the meeting over to the Vice Chairman.

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

**Public Hearing –** Stan Stroman to operate a fitness studio located at 964 Pennsylvania Avenue, Elmira, New York.  
Tax map #109.06-3-19  
Zoned Commercial Regional (CR)

Attorney Mauro noted that the publication was in order. Vice Chairman Steed then opened the public hearing for comment. No one wished to be heard. The public portion of the meeting was closed at 7:14 p.m.

Mr. Stroman was not present. Derek Beckworth spoke on behalf of Mr. Stroman. The Board discussed the parking for employees, parking for other businesses at the plaza and customer parking. Safety lighting must be added to the rear of the building if there was going to be any parking behind the building. Signage would be installed as per the building code.

There were no further comments from the Board. Board Member French made a motion to accept the site plan with conditions; Board Member Parsons seconded the motion. SEQR was declared a Type II Action negative declaration.

**Resolution No. 001-2017 PB**

**SITE PLAN APPROVAL FOR STAN STROMAN TO OPERATE A FITNESS STUDIO LOCATED AT 964 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK TAX MAP #109.06-3-19 ZONED COMMERCIAL REGIONAL (CR)**

**Resolution by:** French  
**Seconded by:** Parsons

WHEREAS, on January 17, 2017 the Code Enforcement Officer of the Town of Southport received a Site Plan Application from Stan Stroman to operate a fitness studio located at the Drake Plaza 964 Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #109.06-3-19 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 a site plan review; and

WHEREAS, the Planning Board held a duly noticed meeting on February 6, 2017, at which the Applicant presented information about the project; 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 Planning Board conducted a public hearing on March 6, 2017 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 Planning Board hereby grants approval to the site plan presented by Stan Stroman to operate a fitness studio located at 964 Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #109.06-3-19 zoned Commercial Regional (CR) with the following conditions:

1. Sign would be installed per Town Code.
2. Dark sky compliant safety lighting would be installed in rear of building if there was going to be parking behind the building.
3. Delineate parking spaces.

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

**Public Hearing –** Matt Stuart to operate an equipment storage business located at 123 Bob Masia Drive, Elmira, New York  
Tax map #109.00-1-37.2  
Zoned Industrial (I)

Attorney Mauro noted that the publication was in order. Vice Chairman Steed then opened the public hearing for comment. No one wished to be heard. The public portion of the meeting was closed at 7:26 p.m.

Mr. Stuart explained he would build a 30 by 30 foot building. The stormwater run-off would go onto the grass or gravel. There would be four parking spaces in front of the building. The front loader would be the only equipment parked outside. The salt shed would be enclosed with a carport roof. The Code Officer explained that the parcel is in the flood plain and the buildings have to be elevated.

There were no further comments from the Board. Board Member Berman made a motion to accept the site plan with conditions; Board Member French seconded the motion. SEQOR was declared a Type II Action negative declaration.

**Resolution No. 002-2017 PB**

**SITE PLAN APPROVAL FOR MATT STUART TO OPERATE AN EQUIPMENT STORAGE BUSINESS LOCATED AT 123 BOB MASIA DRIVE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK  
TAX MAP #109.00-1-37.2 ZONED INDUSTRIAL (I)**

**Resolution by: Berman**  
**Seconded by: French**

WHEREAS, on January 18, 2017 the Code Enforcement Officer of the Town of Southport received a Site Plan Application from Matt Stuart to operate an equipment storage business located at 123 Bob Masia Drive, Town of Southport, County of Chemung, State of New York, tax map #109.00-1-37.2 zoned Industrial (I); and

WHEREAS, the applicant was referred to the Town of Southport Planning Board pursuant to the Town of Southport Municipal Code for a site plan review; and

WHEREAS, the Planning Board held a duly noticed meeting on February 6, 2017, at which the Applicant presented information about the project; 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 Planning Board conducted a public hearing on March 6, 2017 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 Planning Board hereby grants approval to the site plan presented by Matt Stuart to operate an equipment storage business located at 123 Bob Masia Drive, Town of Southport, County of Chemung, State of New York, tax map #109.00-1-37.2 zoned Industrial (I) with the following conditions:

1. Lights installed are night sky compliant
2. Subdivision of land is finalized
3. Elevation of all structures to accommodate for parcel being located in the floodplain.
4. Building setback was set at 20 feet from the property line.

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

**Public Hearing -**       Nixon Peabody o/b/o South View Hunting Club to construct and operate a wireless tower located at 159 Bartholomew Road, Pine City, NY Tax map #117.00-1-30.1 Zoned Agricultural Residential (AR)

Attorney Mauro noted that the publication was in order. Vice Chairman Steed then opened the public hearing for comment.

Marc Shepherd of 44 Bartholomew Road, Pine City was in favor of the cell tower. His mother fell in her back yard at her home on Pennsylvania Avenue and could not get any cell service to call for help. He had a petition in his store and at the bank requesting cell service in the Pine City area, there were 79 pages with names from the community supporting the request.

Hearing no other comments, the public portion of the meeting was closed at 7:41 p.m.

Jared Lusk from Nixon Peabody spoke on behalf of the South View Hunting Club. He explained the lights on the shed would be night sky compliant. The Board did not have approval from the Chemung County Planning Board at this time. The Planning Board's approval will be contingent upon approval of the Area Variance from the Board of Appeals. The Board of Appeals concern was that if the cell tower could be co-located on an existing tower in that area. Mr. Lusk explained that they wouldn't be going through the time and expense of putting in a new tower if it was possible to co-locate.

There were no further comments from the Board. Vice Chairman Steed made a motion to accept the site plan with conditions; Board Member Olthof seconded the motion. SEQR was a non-coordinated review.

The Board went through the SEQR Full Environmental Assessment Form Part 2- Identification of Potential Project Impacts and determined it to have no impact on the environment. SEQR determination was a negative declaration Type I Action. Finding statement will be prepared.

**Resolution No. 003-2017 PB  
STATE ENVIRONMENTAL QUALITY REVIEW ACT  
DETERMINATION OF SIGNIFICANCE**

This notice is issued by the Town of Southport (the "Town") Planning Board (the "Planning Board"), pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Part 617 of Title 6 of New York Codes, Rules and Regulations (collectively referred to as "SEQRA").

The Planning Board has determined that the proposal by Horvath Communications IV LLC and Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless (collectively, the "Applicants") for Site Plan approval for a proposed wireless communication facility (the "Project"), on a portion of the property located at 159 Bartholomew Road, Pine City (Town of Southport), Tax Map Number 117.00-1-30.1 (the "Site"), will not have any significant adverse impact on the environment; that a Negative Declaration pursuant to SEQRA should be issued; and that no Environmental Impact Statement need be prepared.

Reasons supporting this determination are fully explained below.

**Project Name:** Wireless Communication Facility

**Reviewing Agency:** Town of Southport Planning Board

**SEQR Status:** Unlisted Action

**Location:** 159 Bartholomew Road, Pine City (Town of Southport),  
Tax Map #117.00-1-30.1

**Landowner:** South View Hunting Club, Inc.

**Zoning District:** Agricultural Residential (AR)

**Project Description:** The Applicants propose to construct a +/- 160-foot freestanding wireless communication tower and associated improvements on a

leasehold at the Site. The Project requires Site Plan approval and an Area Variance due to the proposed height of the tower.

**Reasons Supporting This Determination:**

**Background**

1. The Planning Board has authority over the Project, with discretion to approve or disapprove the Site Plan application and impose appropriate conditions necessary to mitigate any potentially adverse environmental impacts. Accordingly, the Planning Board is performing this SEQRA Uncoordinated Review.
2. On December 6, 2016, the Applicants provided detailed Project information, including a Full Environmental Assessment Form pursuant to SEQRA and materials in support of their Site Plan application.
3. A representative of the Applicants met with the Planning Board at its meeting on February 6, 2017 to discuss the Project. In addition, the Planning Board held a Public Hearing on the Site Plan on March 6, 2017, at which all interested parties had an opportunity to be heard concerning the Project. The Planning Board has carefully considered the full scope of the Project and reviewed and considered the entire record of proceedings related to it, including:
  - Letter of Intent dated December 6, 2016 and all exhibits and attachments thereto;
  - Full Environmental Assessment Form, dated December 1, 2016; and
  - Public comments regarding the Project solicited during the public hearing held by the Planning Board on March 6, 2017.
4. The Project requires Site Plan approval and the granting of an Area Variance for structure height.

**Environmental Setting**

The Site is located in a largely wooded area containing some farmland, with a small number of residential parcels to the south. It is zoned Agricultural Residential (AR). The parcel on which the Project will be located comprises +/- 191 acres, but the Project itself involves the development of a leasehold comprising less than one acre. The terrain around the Site is somewhat hilly, contributing to the need for improved wireless/cellular coverage in the area.

## **Analysis of Impacts to Environmental Resources**

### Impacts on Surface Water Quality or Quantity

The Site does not contain any surface water features, and it is not located in a designated floodway or a 100- or 500-year floodplain. Because of the limited footprint of the Project (primarily consisting of a self-supporting tower and an associated equipment compound) and its proposed location, it will not generate substantial stormwater runoff to the surrounding area. For these reasons, the Project will not result in any significant adverse impacts on surface water quality or quantity.

### Impacts on Air Quality

The Project will not regularly generate any substantial air emissions or air pollution. There will be typical emissions from construction vehicles and on-site generator use during construction, and an emergency generator will remain on the Site after construction, but the emissions from these sources are not anticipated to be substantial. For these reasons, the Project will not result in any significant adverse impacts on air quality.

### Impacts on Traffic

After construction, the Project will not lead to a substantial increase in traffic. Construction vehicles will travel to and from the Site during construction, and access will be obtained via a proposed 12-foot wide gravel access drive connecting to Bartholomew Road. Because of the minimal traffic volume associated with uses of this type, the Project will not have any significant adverse impacts on traffic conditions in the area.

### Impacts on Noise Levels

Other than temporary noise impacts associated with the construction work, the Project will not generate a substantial amount of noise. All construction work will comply with the terms of the building permit that will be obtained before work commences. The Site's relatively isolated location further reduces the potential for noise impacts to neighboring properties. For these reasons, the Project will not have any significant adverse impacts on noise levels.

### Impacts on Community Resources and Services

The Project will not result in any substantial new burden on community resources or services. Electricity will be provided by the utility company serving the area, which has adequate capacity to meet the Project's needs. The Project will not generate any substantial new demand for community services such as police or fire protection, and because the Project is not residential in nature, it will not



affect services such as schools or public transportation. It will improve local telecommunications service, thus benefiting the surrounding area. For these reasons, the Project will not have any significant adverse impacts on community resources or services.

Impacts on Natural Resources

As described above, the Site is surrounded mostly by woods and agricultural land. The relatively small affected area is not known to be home to any significant wildlife population or endangered or threatened species, and it does not contain a designated significant natural community or any unique geological features. For these reasons, the Project will not have any significant adverse impacts on natural resources in the area.

Impacts on Historical, Archeological, Architectural or Aesthetic Resources or Neighborhood Character

The Site does not contain any structures or other features of historical significance, and it is not located within or substantially contiguous to a site listed on or nominated for the State or National Register of Historic Places. No known archaeological sites are located on or in the immediate vicinity of the Site. The aesthetic impact to the surrounding area will be limited by the Site's relatively isolated location, as shown in the photo simulation and viewshed analysis provided by the Applicants. For these reasons, the Project will not have any significant adverse impacts on historical, archaeological, architectural, or aesthetic resources or neighborhood character.

**Conclusion:**

A thorough analysis of all potential negative environmental impacts associated with the Project reveals that there will be no significant adverse environmental impacts. Accordingly, the Planning Board hereby issues a Negative Declaration for the Project pursuant to SEQRA.

**For Further Information Contact:**

Timothy Steed  
1139 Pennsylvania Avenue  
Elmira, NY  
(607) 769-1024

Date: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

**Supporting Documentation:**

- Applicants' Letter of Intent dated December 6, 2016
- Attachments A-O to the Applicants' Letter of Intent
- Site Selection Analysis
- Photosimulation and Viewshed Analysis
- Full Environmental Assessment Form
- Agricultural Data Statement
- Site Plan Drawings Prepared by C&S Companies

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

**NOES: None**

**ABSENT: Stephens**

**MOTION CARRIED.**

**Resolution No. 004-2017 PB**

**SITE PLAN APPROVAL FOR NIXON PEABODY ON BEHALF OF SOUTH VIEW HUNTING CLUB TO CONSTRUCT AND OPERATE A WIRELESS COMMUNICATION FACILITY LOCATED AT 159 BARTHOLOMEW ROAD, PINE CITY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK TAX MAP #117.00-1-30.1 ZONED AGRICULTURAL RESIDENTIAL (AR)**

**Resolution by: Steed**

**Seconded by: Olthof**

WHEREAS, on December 6, 2016, Horvath Communications IV LLC and Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless (collectively, the "Applicants") submitted an application for Site Plan approval to the Town of Southport Planning Board (the "Planning Board") pursuant to Chapter 525, Article VIII of the Southport Town Code (the "Code"), for the proposed construction of a wireless communication facility comprising a tower and associated improvements (the "Project") on a portion of the property located at 159 Bartholomew Road, Pine City (Town of Southport), Tax Map Number 117.00-1-30.1 (the "Site"); and

WHEREAS, the Applicants have provided detailed information in their application materials supporting their request for Site Plan approval for the Project; and

WHEREAS, the Planning Board held a duly noticed meeting on February 6, 2017, at which the Applicants' representative presented information about the Project; and

WHEREAS, the Planning Board held a duly noticed public hearing concerning the Project on March 6, 2017, at which all interested parties were given an opportunity to be heard; and

WHEREAS, the Project was referred to the Chemung County Planning Board pursuant to New York State General Municipal Law § 239-m, and the County Planning Board raised no objection to the Project; and

WHEREAS, the Planning Board has reviewed the Applicants' materials for the Project and, after thoroughly considering and discussing this matter, has decided to approve the Applicants' Site Plan application; and

WHEREAS, pursuant to the State Environmental Quality Review Act, Article 8 of New York Environmental Conservation Law and 6 NYCRR Part 617 ("SEQRA"), a governmental agency is required, prior to taking action on an application, to undertake an environmental review of a project to assess whether the action has the potential to have significant adverse environmental impacts; the Applicants prepared a Full Environmental Assessment Form ("FEAF"), attached as Exhibit L to their application package, to assist the Planning Board in reviewing the potential impacts of the Project; and the Planning Board determined that the Project will not have the potential for significant adverse environmental impacts and will not require the preparation of a Environmental Impact Statement.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING BOARD, pursuant to Code Chapter 525, Article VIII and New York State Town Law §274-a, as follows:

The Applicants seek Site Plan approval for a wireless communication facility comprising a +/- 160-foot tower and associated improvements, to be constructed on a portion of the property located at 159 Bartholomew Road, Pine City (Town of Southport), Tax Map Number 117.00-1-30.1,.

2. The Planning Board has made the following determinations with respect to the Applicants' request for Site Plan approval:
  - a. The Project will comply with applicable provisions of the New York State Uniform Fire Prevention and Building Code;
  - b. The Project will not have any significant adverse environmental impacts;
  - c. The proposed design, layout, and features of the Project are appropriate for its location;
  - d. The Project as set forth in the application materials is consistent with applicable requirements of the Code; and
  - e. The Project will result in a significant positive contribution to the local community, and its design is compatible with the surrounding uses, structures and features.

3. The Applicants' Site Plan is hereby approved, subject to the following conditions:
  - a. No building permit shall be issued for the construction of the Project until the Applicants have applied for and been granted an area variance for structure height and any other required variances from the Town of Southport Zoning Board of Appeals;
  - b. Any lighting included in the Project shall be dark-sky compliant; and
4. This resolution shall be effective immediately.

PASSED AND ADOPTED by the Town of Southport Planning Board on this 6<sup>th</sup> day of March, 2017.

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

Next on the agenda was review of site plan amendment for Martin DiPetta to construct a 23 foot by 30 foot addition to the existing building located at 907 Pennsylvania Avenue.

Mr. DiPetta explained he would like to improve the patient treatment rooms. The garage may be demolished. The Board discussed combining the two parcels, parking and night sky compliant lighting. For the next meeting the Board requested a detailed parking plan and a decision on combining the lots.

There were no further comments from the Board. Vice Chairman Steed set a public hearing for Monday, April 3, 2017 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was referral from the Town Board proposing to make a local law for the moratorium instead of having a resolution for it. Vice Chairman Steed made a recommendation that the Town Board accept the proposed local law no. 1 of 2017 for a temporary 12 month moratorium on solar and wind energy development within the Town of Southport. They also recommend that the Town Board actively pursue resolving any concerns there are for establishing the moratorium such as zoning regulations and land use agreements. Board Member French seconded the recommendation.

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

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 8:33 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney