



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Special Meeting

**Monday, May 22, 2017  
Meeting Minutes**

Minutes of a special meeting of the Town of Southport Planning Board held at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on Monday, May 22, 2017 at 7:00 p.m.

Board Members Present: Larry Berman  
Jacquelyn French  
John Hastings  
Chris Parsons  
Michael Stephens, Chairman

Board Member Absent: Tim Steed, Vice Chairman

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

Chairman Stephens called the meeting to order at 7:00 p.m.

**Public Hearing –** NYSEG for proposed equipment, buildings and security upgrades at NYSEG's Regulator Station located on Mt. Zoar Street, Elmira, New York.  
Tax map #99.09-1-35  
Zoned Residential 1 (R1).

David Bovee with Avangrid and Brendan Bystrak with LaBella Associates spoke on behalf of NYSEG. Mr. Bystrak talked about the easement for the access drive to the station that is a shared road. They have appeared before the Board of Appeals for a variance for the height of the fence.

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

Ron Unwin of 846 Mt. Zoar Street, Elmira, NY has lived there since 1988. He has water problems in the basement. NYSEG took care of any road issues that were there. Every year his yard is full of water. He is concerned with the value of property and it would be hard to sell due to the drainage. He is requesting

NYSEG to help with this problem. He was not sure if they were NYSEG pipes or Corning Natural Gas pipes. He thinks the project will be a good improvement.

Attorney Mauro asked about any changes to the main road drainage that may have caused his drainage issue. Chairman Stephens asked if the water problem was because of the main road going into his property.

No one else wished to be heard. Attorney Mauro closed the public portion of the meeting at 7:20 p.m. and turned it over to the Planning Board.

Chairman Stephens asked about the drainage area at the NYSEG site. Mr. Bystrak explained where the catch basins would be on the site and how they will alleviate any issues from the neighbor's property but it does not solve the issues coming from the other roads that lead to Unwin's property.

Code Officer, Peter Rocchi stated that this issue has been going on for 40 years and that it was not NYSEG's issue. Attorney Mauro explained that NYSEG is not the cause for the situation for Mr. Unwin.

The Board discussed maintenance of NYSEG's storm drains bi-annually and how NYSEG is trying to mitigate the stormwater.

Attorney Mauro suggested submission of a maintenance plan system approved as part of the easement agreement. Put a condition on the easement agreement that obligates NYSEG to maintain the improvements that are being made for drainage and stormwater collection.

Attorney Mauro explained that the site plan was exempt as a Type II action regarding SEQR because they are re-building an existing facility.

There were no further comments from the Board. Board Member French made a motion to approve the site plan with conditions; Board Member Parsons seconded the motion. Exempt from SEQR Type II action for substantial reconstruction of a public utility improvement.

**Resolution No. 007-2017 PB**

**SITE PLAN GRANTED TO NYSEG FOR PROPOSED EQUIPMENT, BUILDING AND SECURITY UPGRADES AT REGULATOR STATION LOCATED ON MT. ZOAR STREET, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #99.09-1-35 ZONED RESIDENTIAL 1 (R1)**

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

**WHEREAS**, on April 19, 2017, Brendan Bystrak submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to make improvements to the equipment, buildings and security to the Regulator Station located on Mt. Zoar Street, Town of Southport, tax map #99.09-1-35 zoned Residential 1 (R1); and

**WHEREAS**, the Planning Board held a duly noticed meeting on May 1, 2017, at which the Applicant presented information about the project; and

**WHEREAS**, the application was referred to the Chemung County Planning Board on April 19, 2017 pursuant to New York State General Municipal Law §239-m, and the County Planning Board will review the site plan at the May 25, 2017 meeting; and

**WHEREAS**, the Planning Board conducted a special public hearing on May 22, 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

**WHEREAS**, it was determined that this was a Type II Action and is exempt from SEQR; and after due deliberation, investigation and consideration it is

**RESOLVED**, that the Planning Board hereby grants approval with conditions for the Site Plan of NYSEG to upgrade the equipment, buildings and security at the regulator station located at Mt. Zoar Street, Elmira with the following conditions:

1. Submission of a maintenance plan system approved as part of the easement agreement. Easement agreement obligates NYSEG to maintain the improvements that are being made for drainage and stormwater collection. Inspect and maintain catch basin on a bi-annual basis in April and November.
2. NYSEG must provide emergency phone numbers to neighbors in surrounding area.

**AYES: Berman, French, Hastings, Parsons, Stephens**

**NOES: None**

**ABSENT: Steed**

**MOTION CARRIED.**

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Board Member Berman seconded the motion. All were in favor. The meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney