



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Regular Meeting

**Monday, October 2, 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, October 2, 2017 at 7:00 p.m.

Board Members Present: Larry Berman  
Jacquelyn French  
John Hastings  
Chris Parsons  
Trish Peterson, Alternate  
Tim Steed, Vice Chairman  
Michael Stephens, Chairman

Board Members Absent: Dan Collins

Others Present: Peter Rocchi, Code Enforcement Officer  
Dale Balmer, Seasonal Code Enforcement Officer  
Michelle Murray, Secretary  
Gregory Scholand, Town Attorney

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 September 5, 2017 minutes. Hearing no comments, the Board accepted the minutes as presented.

**Public Hearing -** Michelle Oliver to operate a dance studio located at 964 Pennsylvania Avenue, Elmira, New York  
Tax map #109.06-3-19 zoned Commercial Regional (CR)

Attorney Scholand noted that the publication was in order then opened the public hearing for comment. No one wished to be heard. The public portion of the meeting was closed at 7:02 p.m. and turned back over to the Planning Board.

The Board discussed the signage was to be installed per Town Code and the parking spaces available at the plaza. A condition would be to define the available parking spaces so there was organization to the parking lot.

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

**Resolution No. 010-2017 PB**

**SITE PLAN GRANTED TO MICHELLE OLIVER TO OPERATE A DANCE 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: Berman**  
**Seconded by: Steed**

**WHEREAS**, on or about August 16, 2017, Michelle Oliver submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to operate a dance studio in the Drake Plaza located at 964 Pennsylvania Avenue, Elmira, (Town of Southport), tax map #109.06-3-19 zoned Commercial Regional (CR); and

**WHEREAS**, the application was interpreted as a fitness center/health club according to the Town’s Use Regulation Table Chapter 525 which requires a Site Plan; and

**WHEREAS**, the Planning Board held a duly noticed meeting on September 5, 2017, at which the Applicant presented information about the project; and

**WHEREAS**, the Planning Board conducted a public hearing on October 2, 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 an Unlisted Action and will not have a potentially significant effect on the environment; and after due deliberation, investigation and consideration it is

**RESOLVED**, that the Planning Board hereby grants approval for the Site Plan of Michelle Oliver to operate a dance studio with the following conditions:

1. Signage would be installed per Town Code
2. If at such time it becomes a necessity she would need to delineate at least ten (10) additional parking spaces.

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

**Public Hearing -** Donna Steinhauer to operate a barber and beauty shop located at 1132 Broadway, Elmira, New York  
Tax map #109.10-1-2 zoned Commercial Regional (CR)

Attorney Scholand noted that the publication was in order then opened the public hearing for comment. No one wished to be heard. The public portion of the meeting was closed at 7:10 p.m. and turned back over to the Planning Board.

Mrs. Steinhauer explained that parking was available in the back, side and front of the building for a total of 11 parking spaces.

The Board discussed the signage was to be installed per Town Code. A condition would be added to the site plan for the portable sign being placed near the right-of-way so that it does not block the view of the traffic leaving the parking lot.

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. 011-2017 PB**

**SITE PLAN GRANTED TO DONNA STEINHAUER TO OPERATE A BARBER AND BEAUTY SHOP LOCATED AT 1132 BROADWAY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.10-1-2 ZONED COMMERCIAL REGIONAL (CR)**

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

**WHEREAS**, on or about August 15, 2017, Donna Steinhauer submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to operate a barber and beauty shop located at 1132 Broadway, Elmira, (Town of Southport), tax map #109.10-1-2 zoned Commercial Regional (CR); and

**WHEREAS**, the application was interpreted as a barbershop and beauty shop according to the Town's Use Regulation Table Chapter 525 which requires a Site Plan; and

**WHEREAS**, the Planning Board held a duly noticed meeting on September 5, 2017, at which the Applicant presented information about the project; and

**WHEREAS**, the Planning Board conducted a public hearing on October 2, 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 an Unlisted Action and will not have a potentially significant effect on the environment; and after due deliberation, investigation and consideration it is

**RESOLVED**, that the Planning Board hereby grants approval for the Site Plan of Donna Steinhauer to operate a dance studio with the following conditions:

1. Employees shall park behind the building to provide adequate customer parking in the front and on the side of the building.
2. Signage on the building would be installed per Town Code.
3. Placement of portable sign does not obstruct sight distance.

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

**NOES: None**

**ABSENT: Collins**

**MOTION CARRIED.**

Next was review of the site plan application of Donna Burdick to operate a nutrition counseling practice located at 911 Pennsylvania Avenue. Code Officer Peter Rocchi explained that the building was pre-existing, non-conforming there is no on-site parking. All parking is on the street.

Ms. Burdick explained her practice was low volume, there are no employees and she will be operating part-time Monday, Wednesday, Friday, Saturday and Sunday. She would install a sign per Town Code.

Chairman Stephens asked the members of the community that were in attendance if they had any comments. There were no comments. There were no further comments from the Board. Chairman Stephens set a public hearing for Monday, November 6, 2017 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was the tabled referral from the Town Board to review the proposed amendment to Town Code §525-5 definition of a “kennel.” Dale Balmer, Seasonal Code Enforcement Officer explained the reason for the amendment is to promote the health, safety and welfare of the residents of the Town of Southport from the negative impact of too many animals. Craig Spencer, Animal Control Officer talked about similar ordinances in other cities that only allow three dogs per house.

The Board discussed farms having more than 5 dogs or cats and they are not considered a kennel. They suggested an exception to the number of animals or size of lot.

Chairman Stephens made a motion to recommend the Town Board accept the amendment to the definition. There was no second to the motion. Chairman Stephens tabled the referral from the Town Board and sent it back to the Code Office for revision until the November meeting.

Next was the referral from the Town Board to amendment to §525-33 Special dimensional requirements in the Bulk and Density Control Requirements. Code Officer Dale Balmer explained that the agricultural uses needed to be clearly defined for a balance to protect land owners from negative impacts. The following changes were suggested:

AGRICULTURAL USE, GENERAL

The production, keeping or maintenance of plants and animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees, forest products and forestry uses; and fruits of all kinds, including grapes, nuts, berries and vegetables, unless regulated by other sections of this chapter. *Agricultural Uses shall not include vegetable or flower gardens where the produce is for personal use and the products are not for sale.*

AGRICULTURAL USE, COMMERCIAL

*An AGRICULTURAL USE, GENERAL, that involves over 150 mammals and/or 250 fowl, or is a Concentrated Animal Feeding Operation (CAFO) as defined by the New York State Environmental Conservation Law.*

AGRICULTURAL USE, INDUSTRIAL

Any milk processing plant; feed storage supply facility; farm machinery or equipment sales and service facility; storage and processing facility for fruits, vegetables and other agricultural products; or similar use directly and customarily related to the supply and service of an agricultural use.

AGRICULTURAL USE, PERSONAL

*An AGRICULTURAL USE, GENERAL, that involves not more than 25 animals consisting of not more than 5 mammals or 25 fowl, and where the sale, if any, of agricultural products is limited to those products produced on the lot and such sales are only from a single temporary roadside stand or display.*

**§ 525-33: Special dimensional requirements.**

- A. Dimensional requirements for each Agricultural Use identified and defined in §525-5 shall apply as follows:
- 1) An Agricultural Use, General, shall have a minimum lot area of 10 acres except as otherwise prescribed by this section.
  - 2) Keeping or maintenance of animals for any Agricultural Use on any parcel shall be not less than 150 feet from any residence located on another parcel, or such distance as determined by site plan review.
  - 3) An Agricultural Use, Commercial, shall have a minimum lot area as permitted by a Concentrated Animal Feeding Operation Permit issued by the New York State Department of Environmental Conservation, or as otherwise determined by site plan review.
  - 4) An Agricultural Use, Industrial, shall have lot sizes and minimum setbacks as required by site plan review.
  - 5) An Agricultural Use, Personal, shall have a minimum lot area of 5 acres.

Chairman Stephens made a recommendation that the Town Board accept the amendment to §525-33 Special dimensional requirements in the Bulk and Density Control Requirements with the proposed changes and the definitions for §525-5. Vice Chairman Steed seconded the motion.

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

Chairman Stephens talked about the review of the Town Municipal Codes and permit fees. Board Member Peterson, Collins and the Chairman meet with the Code Officer to discuss the reason for permit fees and compared them to other municipalities throughout the county. They had come to the conclusion that the permit fees were reasonable and required.

Charles Collins of Kinner Hill, Pine City did not agree with having to get a building permit but appreciated the Board looking into the issue.

The Board talked about the training being offered on October 24. Deadline for registration is October 6.

The Board discussed the Town Attorney being present at every meeting. The Chairman would discuss the agenda with the Code Officer and make a determination if the Attorney needs to be present for the upcoming Planning Board meeting.

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 were in favor. The meeting was adjourned at 9:08 p.m.  
Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney