



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, March 5, 2018
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 5, 2018 at 7:00 p.m.

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

Board Member Absent: Michael Stephens

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

Chairman Steed 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 5, 2018 minutes. Hearing no comments, the Board accepted the minutes as presented.

Public Hearing - site plan application of Elmira Little Theatre to construct a 30 foot by 30 foot addition to existing building located at 961 Pennsylvania Avenue, Elmira, NY Tax map #109.07-6-10 Zoned Commercial Regional (CR)

It was noted that the publication was in order then the public hearing was opened for comment. No one wished to be heard. The public portion of the meeting was closed at 7:02 p.m.

Mr. Rizzo explained that sprinklers were not required for the new pole barn expansion area per the New York State Building Code. An additional egress was not required by the NYS Building Code but he does plan to add a door in the new structure. The beautification plan was to add the logo to the side of the

building along with landscaping. The maximum allowed size of the sign could be 25% of the wall surface area. The schematic of the building was also presented to the board.

Board Member French made a motion to accept the site plan as presented with conditions; Board Member Collins seconded the motion. SEQR was declared an Unlisted Action negative declaration. There was no discussion on the motion.

Resolution No. 003-2018 PB

SITE PLAN GRANTED TO ELMIRA LITTLE THEATRE TO CONSTRUCT A 30 FOOT BY 30 FOOT ADDITION TO EXISTING BUILDING LOCATED AT 961 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.07-6-10 ZONED COMMERCIAL REGIONAL (CR)

Resolution by: French
Seconded by: Collins

WHEREAS, on or about January 16, 2018, Charlie Rizzo submitted an application, on behalf of Elmira Little Theatre, to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to construct a 30 foot by 30 foot addition to the existing building located at 961 Pennsylvania Avenue, Elmira, (Town of Southport), tax map #109.07-6-10 zoned Commercial Regional (CR); and

WHEREAS, the Planning Board held a duly noticed meeting on February 5, 2018, at which the Applicant presented information about the project; and

WHEREAS, the application was referred to the Chemung County Planning Board on January 22, 2018 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 conducted a public hearing on Monday, March 5, 2018 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 Elmira Little Theatre to construct the addition with the following condition:

1. The landscaping on the end of the building facing Pennsylvania Avenue would consist of taller evergreen shrubbery on each end of the building with Hosta type plantings to be planted between the taller evergreen shrubs.

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

NOES: **None**

ABSENT: **Stephens**

MOTION CARRIED.

Public Hearing - site plan application of Southport Mini Storage to construct a new 25 foot by 120 foot storage building located at 2147 S Broadway, Pine City, NY Tax Map #109.00-1-11 Zoned Industrial (I)

It was noted that the publication was in order then the public hearing was opened for comment. No one wished to be heard. The public portion of the meeting was closed at 7:12 p.m.

Mr. Tuttle explained that NYSDOT does not require any action for closing the entrance off from NYS Route 14. They consider it an abandoned driveway entrance. Mr. Tuttle will install a concrete barrier and a closed entrance sign. He then talked about the lot coverage of buildings and gravel driveways. The property size is 4.3 acres. The buildings total 37,877 square feet, grass area totals 56,400 square feet and the gravel roads total 93,000 square feet. The gravel driveways are considered impervious. He is at 69.8% lot coverage.

Board Member Berman made a motion to accept the site plan as presented; Board Member Hastings seconded the motion. SEQR was declared an Unlisted Action negative declaration. Discussion on the motion was that there were no conditions set on the site plan.

Resolution No. 004-2018 PB

SITE PLAN GRANTED TO LEON TUTTLE TO CONSTRUCT A 25 FOOT BY 120 FOOT STORAGE BUILDING LOCATED AT SOUTHPORT MINI STORAGE 2147 SOUTH BROADWAY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.00-1-11 ZONED INDUSTRIAL (I)

Resolution by: **Berman**
Seconded by: **Hastings**

WHEREAS, on or about January 11, 2018, Leon Tuttle submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to construct a 25 foot by 120 foot storage building located at 2147 South Broadway, Pine City, (Town of Southport), tax map # 109.00-1-11 zoned Industrial (I); and

WHEREAS, the Planning Board held a duly noticed meeting on February 5, 2018, at which the Applicant presented information about the project; and

WHEREAS, the application was referred to the Chemung County Planning Board on January 11, 2018 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 conducted a public hearing on Monday, March 5, 2018 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 Leon Tuttle to construct the storage building.

AYES: Berman, Collins, French, Hastings, Parsons, Peterson, Steed

NOES: None

ABSENT: Stephens

MOTION CARRIED.

Next was review of the site plan application of Maggie Makowiec to operate a hair salon in her home located at 160 Walsh Road, Wellsburg, New York tax map 119.00-1-13.1 that is currently zoned Agricultural Residential.

Ms. Makowiec explained that she is currently operating from her home on Orchard Park. She is buying her parents home and would like to operate her salon from her new home. She operates by appointment only from 9:00 a.m. to 8:00 p.m. All parking would be in the existing driveway. She would like to install a sign at the end of her driveway and on NYS Route 14. Mr. Rocchi explained that she would not be able to install a sign off site of the actual business.

The Board explained they would require a letter from the Chemung County Health Department approving the existing septic system with the new use. They also requested to have a copy of the NYS license to operate for the next meeting.

There were no further comments from the Board. Chairman Steed set a public hearing for Monday, April 2, 2018 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was review of the special use permit of Chad West to convert the building into a multi-unit dwelling located at 1529 Pennsylvania Avenue, Pine City, New York tax map #118.01-2-11 that is currently zoned Commercial Neighborhood.

Mr. West explained his plan to convert the existing store front area into a third apartment. There is parking available in the back of the building. Parking is not allowed in front of the building which is part of the County Route 69 Pennsylvania Avenue right-of-way. He has a letter from the Health Department stating they did not object to the continued use of the existing septic system, with the understanding that a new system meeting design requirements at the time of failure would be required at the time the system is in failure. The Health Department is aware they are adding additional living space.

The Board discussed location of the well, septic and seepage pit. For the health and safety of neighbors they would prohibit parking or driving on the seepage pit. Conditions that would be placed on the approval would be:

1. No parking in front of the building
2. Provide a barrier around seepage pit to restrict driving or parking on.

There were no further comments from the Board. Chairman Steed set a public hearing for Monday, April 2, 2018 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was the continued discussion regarding the site plan application of Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems to construct a telecommunications tower at Budd Street and Morley Place, Elmira, NY Tax Map #109.07-5-45 Zoned Industrial (I). The applicant was not present. The Board requested additional information from the applicant in January and have not received it.

Attorney Mauro explained they were still waiting for the escrow agreement from Up State Tower Co., LLC because under our Town Code they are required to pay for our experts. They have been provided with proposals from the visual impact study and tower consultant. She also asked if they would

be providing a stenographer for the public hearing. She explained we would not proceed until we have the funds escrowed. She is looking into the “shot clock” law when it is the applicant who is delaying the process and not providing the information as needed. If the application is re-submitted it would be denied until all of the required information was obtained.

Chairman Steed explained that all of this information shall be received by March 12 in order to proceed with the public hearing. They would not be able to effectively proceed without the information. The Attorney would contact them again on March 6, 2018.

A joint public hearing with the Board of Appeals was set for Wednesday, March 21, 2018 at 7:00 p.m.

No other business to come before the Board. Board Member Collins made a motion to adjourn the meeting; Board Member French seconded the motion. All were in favor. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney