



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, February 4, 2019
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, February 4, 2019 at 7:00 p.m.

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

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Leslie Connolly, Town Attorney
Kathleen Szerszen, Town Supervisor

Chairman Steed called the meeting to order on or about 7:00 p.m. He asked if the Board Members had any comments, questions, concerns or corrections about the December 3, 2018 minutes. Hearing no comments, the Board accepted the minutes as presented.

Next on the agenda was appointment of Chairman, Vice Chairman and Secretary to the Planning Board.

Chairman Steed nominated Michelle Murray for Secretary to the Board; Board Member French seconded the motion. All were in favor.

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

Chairman Steed nominated Chris Parsons for Chairman of the Board for the year 2019; Board Member French seconded the motion. All were in favor.

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

Board Member French nominated Dan Collins for Vice Chairman of the Board; Board Member Parsons seconded the motion. All were in favor.

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

Public Hearing – Bohler Engineering o/b/o Franklin Land Associates, LLC
for a retail store project located at
1825 Pennsylvania Avenue, Pine City, New York
Tax map #127.00-1-15.211 and tax map #127.00-1-15.22
Zoned Commercial Neighborhood (CN)

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 7:09 p.m.

Steve Vukas with Bohler Engineering presented the application to the Board. The commercial project is a 9,100 square foot dry good retail store. The one entrance and exit on State Route 328 will require approval from NYSDOT. Stormwater is in northern section of the property and will comply with NYSDEC requirements and meet the treatment and quality design guidelines that they call for.

The Board discussed the Chemung County Health Department (CCHD) permit for the well and septic. Bohler has obtained the permit for the septic system and will obtain the well permit after site plan approval. The location of well has been approved by CCHD. Mr. Vukas will provide that information to the Code Office before building permit can be issued.

Mr. Rocchi explained that the stormwater review has not been finalized. Board Member Steed explained to Mr. Vukas that a site plan amendment would be required if there was a modification to the stormwater plan.

The Board discussed the location of Wheeler's sign on the neighboring property and removing that driveway entrance. There shall be no backing out onto Pennsylvania Avenue/NYS Route 328.

There were no further comments from the Board. Board Member Steed made a motion to accept the site plan as presented with conditions; Board Member French seconded the motion. SEQR was declared an Unlisted Action, Uncoordinated Review with a Negative Declaration.

Resolution No. 001-2019 PB

SITE PLAN GRANTED TO BOHLER ENGINEERING TO CONSTRUCT A RETAIL STORE LOCATED AT 1825 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #127.00-1-15.211 AND TAX MAP #127.00-1-15.22 ZONED COMMERCIAL NEIGHBORHOOD (CN)

Resolution by: Steed
Seconded by: French

WHEREAS, on or about May 15, 2018, Bohler Engineering submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to construct a 9,100 square foot retail store located at 1825 Pennsylvania Avenue, Pine City, Town of Southport, tax map #127.00-1-15.211 and #127.00-1-15.22 zoned Commercial Neighborhood (CN); and

WHEREAS, the application was submitted to the Town Planning Board and defined as Retail Use per the Town Code 525-5 Definitions; and

WHEREAS, the application was referred to the Chemung County Planning Board on May 17, 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 Town Planning Board held a duly noticed meeting on June 4, 2018 and December 3, 2018, at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on Monday, February 4, 2019 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 Town Planning Board hereby grants approval for the Site Plan of Bohler Engineering as presented with the following conditions:

1. Applicant receive Stormwater acceptance from the local MS4 and coverage under the NYSDEC SPEDES permit.
2. Receive NYSDOT highway occupancy permit.
3. Receive approval from Chemung County Health Department with respect to the on-site septic system.
4. Ground water supply well receive approval from the Chemung County Health Department prior to issuance of Certificate of Occupancy.
5. Existing driveway entrance to the property south of the proposed site be modified such that the ingress and egress north of their existing business sign is eliminated.
6. At no time shall delivery vehicles back out onto Pennsylvania Avenue/NYS Route 328.

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

NOES: None

ABSENT: None

MOTION CARRIED.

Next was review of the site plan of Fagan Engineers, on behalf of David and Robert Cleary, to construct and operate a new 6,200 square foot convenience store and drive-thru restaurant and fuel station on the lots zoned Commercial Regional located at:

1156 Broadway, Elmira, New York Tax map #109.10-1-25
985 Sebring Avenue, Pine City, New York Tax map #109.10-1-29
987 Sebring Avenue, Pine City, New York Tax map #109.10-1-28
989 Sebring Avenue, Pine City, New York Tax map #109.10-1-27

Brian Grose, with Fagan Engineers presented the application to the Board. He explained the concept plan as a 6,200 square feet convenience store, restaurant and fuel station. They have had discussion with Andy Avery, Chemung County Commission of Public Works, regarding the entrance off of Broadway. NYSDOT requested a trip generation. He explained that NYSDOT does not want the project to impact the two traffic signals. A solid fence would be installed and the hours of operation would be 5:00 a.m. to 11:00 p.m.

The Board discussed the nuisance to the neighbors, the speaker at the drive-through, NYSDOT involvement, truck entrance, traffic flow, number of parking spaces for the three uses, and legal easement with Dixie Lanes. The concept plan is to prove to the Planning Board there is sufficient space with square footage calculations, turn-over number of people. They discussed the traffic being generated on Sebring Avenue and if the road could handle the increased traffic and weight of delivery truck. Fagan Engineer has to prove to the Board there is sufficient number of parking spaces for final approval, show square footage calculations, turnover, and number of people, and the impact on local thoroughfares.

Jamie Gensel, with Fagan Engineers, talked about pass-by traffic which is the location absorbing traffic, not generating traffic. He will provide calculations.

The following would be required to move forward:

1. Define where drive-thru window will be located on the plan. Define the drive-thru lanes. Show 80 feet before order station and 60 feet from order station to service window.
2. Car vacuum area near island could be a pinch point, show adequate distance between fuel island and vacuum area.
3. County required aesthetics and landscaping; per form-based code requirements.
4. NYSDOT trip generation
5. Documentation showing impact on Sebring Avenue with core samples
6. Buffer and lighting
7. Drive through speaker concern
8. Fence type and height
9. Photometrics
10. Elevation drawing
11. Provide signage calculation, setback and height
12. Zoning Board of Appeals Variances:
 - 1) for undersized lot
 - 2) minimum lot width for fuel station
 - 3) sign setback
 - 4) fuel station setback
 - 5) 30-foot drive lane (current plan shows 22 foot)
 - 6) building setback
 - 7) setback of parking for CR zone per form-based code

The Board discussed declaring the intent to become lead agency. Board Member Steed made a motion declaring the intent to become lead agency. Board Member French seconded the motion. No discussion on the motion.

Resolution No. 002-2019 PB

**Resolution of Intent to Act as Lead Agency for
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
Review of the Project Identified as
Southport Convenience Store, Restaurant & Fuel Station**

Resolution by: Steed
Seconded by: French

WHEREAS, the Town of Southport, New York (the "Town") has received a

concept plan from Fagan Engineers on behalf of David and Robert Cleary, (collectively, the “Applicants”), seeking approval to allow for the construction and operation of a proposed 6,200 square foot Convenience Store, Restaurant and Fuel Station (the “Project”), on certain real property located at

1156 Broadway, Elmira, New York SBL No: 109.10-1-25

985 Sebring Avenue, Pine City, New York SBL No: 109.10-1-29

987 Sebring Avenue, Pine City, New York SBL No: 109.10-1-28

989 Sebring Avenue, Pine City, New York SBL No: 109.10-1-27

in the Town of Southport, County of Chemung, State of New York; and

WHEREAS, said application plan was submitted together with a SEQRA Short Environmental Assessment Form and other supporting documents and concept plans (“Application Materials”); and

WHEREAS, the Town has acknowledged receipt of the Application Materials and has deemed them sufficient to initiate review of the proposed Project in accordance with the Town Code; and

WHEREAS, the Town Planning Board is an “involved agency” pursuant to SEQRA because the Project requires site plan approval; and

WHEREAS, the Town Planning Board has determined, in accordance with 6 NYCRR 617.6, that: (i) the proposed Project appears to be an Unlisted Action under SEQRA; (ii) coordinated SEQRA review shall be undertaken; and (iii) the Town Planning Board is willing to act as Lead Agency for purposes of said review.

NOW, THEREFORE, BE IT RESOLVED that the Town Planning Board hereby adopts the attached Notice of Intent to Act as Lead Agency, and directs the Town Clerk to circulate said notice to all involved agencies in accordance with 6 NYCRR 617.6(b)(3), together with the Application Materials.

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

NOES: None

ABSENT: None

MOTION CARRIED.

**NOTICE OF INTENT
ESTABLISHMENT OF SEQRA LEAD AGENCY
TOWN OF SOUTHPORT PLANNING BOARD**

TO: Town of Southport Board of Appeals
Town of Southport Town Board
Chemung County Planning Board
Chemung County Department of Public Works
NYSDOT
NYS Grant ESD

DATED: February 5, 2019

FROM: Town of Southport Planning Board

THIS NOTICE is issued pursuant to 6 NYCRR 617.6(b) of the implementing regulations pertaining to Article 8 of the State Environmental Conservation Law (the State Environmental Quality Review Act, or "SEQRA").

PLEASE TAKE NOTICE that the Planning Board of the Town of Southport, New York has determined that it is willing to act as SEQRA Lead Agency for environmental review of the proposed action described below and shall coordinate environmental review pursuant to Article 8 of the Environmental Conservation Law and Implementing Regulations (6 NYCRR Part 617).

Name of Action: Southport Convenience Store, Restaurant & Fuel Station

SEQRA Status: Unlisted Action

Description of Action: Construction and operation by David and Robert Cleary a proposed 6,200 square foot Convenience Store with Restaurant and Fuel Station. This project requires site plan approval from the Town of Southport Planning Board and the granting of Area Variances from the Town of Southport Zoning Board of Appeals for nonconformity with the requirements of the project site's Commercial Regional (CR) zoning district with respect to setback from property lines and under-sized lot.

Location: 1156 Broadway, Elmira, New York SBL No: 109.10-1-25
985 Sebring Avenue, Pine City, New York SBL No: 109.10-1-29
987 Sebring Avenue, Pine City, New York SBL No: 109.10-1-28
989 Sebring Avenue, Pine City, New York SBL No: 109.10-1-27

Contact Person: Chris Parsons
Town of Southport Planning Board Chairman
1139 Pennsylvania Avenue
Elmira, NY 14904
607-737-5268

PLEASE TAKE FURTHER NOTICE that unless any involved agency objects to this determination and Intent of Lead Agency status within thirty (30) calendar days, the Town of Southport Planning Board shall be deemed Lead Agency.

Town of Southport Planning Board

By: _____

Print Name: _____

Involved Agencies

Town of Southport Town Board
1139 Pennsylvania Avenue
Elmira, NY 14904

Empire State Development
Attn: Alejandra Villanueva
633 Third Avenue
New York, NY 10017

Town of Southport Zoning Board of Appeals
1139 Pennsylvania Avenue
Elmira, NY 14904

Interested Agencies

Chemung County Planning Board
400 E. Church Street
PO Box 588
Elmira, NY 14902

NYS Department of Transportation
Attn: Sharon Grabosky
107 Broadway
Hornell, NY 14843

Chemung County Department of Public Works
Attn: Andrew Avery
803 Chemung Street
Horseheads, NY 14845

Chairman Parsons asked the members of the community that were in attendance if they had any comments.

Dolores Wheeler, previous owner of 1156 Broadway, and her daughter are in favor of the project before the Board. They want the corner to be vibrant again.

The Chairman asked to put the application on the agenda next month.

Next the Board discussed the draft solar ordinance. The model ordinance was provided by NYSEERDA. The maintenance overview was added to the draft. The moratorium extension was submitted to the Town Board May 2018. The Decommissioning Plan should state “Return land to the pre-existing state.”

Chairman Parsons asked the members of the community that were in attendance if they had any comments.

Charles Collins of Kinner Hill, Pine City expressed his concern with the decommission of an abandoned solar array.

Board Member Peterson made a recommendation that the Town Board accept the proposed Solar Energy Local Law. Board Member Berman seconded the recommendation.

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

Attorney Connolly gave an update on the cell tower litigation of UpState/Blue Wireless. Papers were filed, UpState did not submit any motions, we moved to dismiss. If UpState does not answer, a summary judgement would be granted in favor of the Town. They could start all over and submit a plan to the Planning Board.

The Planning Board received three letters of interest to serve on the Planning Board. The Board will hold them until there is an opening.

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 8:45 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
 Town Board
 Town Clerk
 Town Attorney