



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, June 3, 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, June 3, 2019 at 7:00 p.m.

Board Members Present: Larry Berman
Dan Collins, Vice Chairman
Jacquelyn French
John Hastings
Jennifer Herrick-McGonigal, Alternate
Chris Parsons, Chairman
Trish Peterson
Chad West

Board Member Absent: None

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

Chairman Parsons 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 May 6, 2019 minutes. Hearing no comments, the Board accepted the minutes as presented.

Public Hearing - Todd Curren to display and sell campers located at 1445 Pennsylvania Avenue, Pine City, NY
Tax map #118.01-3-25 and #118.01-3-26.1
Zoned Commercial Neighborhood

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

Fran Palmer of 1484 Carpenter Road, Pine City would like to see a more organized display of campers because of its location. She stated his business located at 1365 Pennsylvania Avenue was an eyesore and did not want the same at the 1445 Pennsylvania Avenue location.

Dan Mazzaroco of 12 Hickory Lane, Pine City was concerned about Mr. Curren starting another project when his current business located at 1365 Pennsylvania Avenue was not completed. He asked about security and lighting.

Robert Lane of 1449 Pennsylvania Avenue asked if old campers would be displayed or dismantled at this site the same way it is done at his 1365 Pennsylvania Avenue site.

Peggy Pease of 1482 Carpenter Road, Pine City had the same concerns that were already mentioned and that everything is visible from the highway. She does not want a junk yard at this location as it would decrease property values.

No one else wished to be heard, the public portion of the meeting was closed at 7:07 p.m.

Mr. Curren explained that he was only parking campers for sale at 1445 Pennsylvania Avenue. He would park them in an orderly manner and move them to mow around. There would be no lighting or signage added. Parking would be behind the front of the building. The hours of operation would be as stated on the application 7:00 a.m. to 7:00 p.m. There would be no maintenance of vehicles at this site.

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

Resolution No. 004-2019 PB

SITE PLAN GRANTED TO TODD CURREN TO DISPLAY AND SELL CAMPERS LOCATED AT 1445 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #118.01-3-25 AND #118.01-3-26.1 ZONED COMMERCIAL NEIGHBORHOOD (CN)

Resolution by: French
Seconded by: West

WHEREAS, on or about April 15, 2019, Todd Curren submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to display and sell RV's and utility trailers located at 1445 Pennsylvania Avenue, Town of Southport, tax map #118.01-3-25 and #118.01-3-26.1 zoned Commercial Neighborhood (CN); and

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

WHEREAS, the Town Planning Board held a duly noticed meeting on May 6, 2019, at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on Monday, June 3, 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 Todd Curren as presented with the following conditions:

1. The property must be maintained.
2. There must be no repairs to campers allowed on the site.
3. There must be no lighting or signage added to the site.
4. Campers must be parked behind the front setback that is established by the front of the building.
5. Campers must be parked in an orderly fashion.

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

NOES: None

ABSENT: None

MOTION CARRIED.

Next was the continued discussion from May 6, 2019 Public Hearing regarding 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 (CR) 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

The Board discussed Sebring Avenue core sample and stated that it was confirmed by Steve Renko, Town Highway Superintendent, that the road was sufficient for use.

James Gensel had verbal discussion with the County Department of Public Works regarding the sidewalk and entrance off of Broadway. The revised drawings show gutter sidewalks similar to what is currently on Pennsylvania Avenue.

NYS DOT questioned the stormwater discharge and requested that the traffic generation volume assumptions be sent to them. Mr. Gensel explained that the Stormwater is designed to stay on the site. The Planning Board will have an outside engineering firm review the traffic summary. The site plan will be conditioned upon the Town's Engineer confirming that the data is correct. If anything changes it falls onto the applicant to submit an amendment to the site plan and that opens up the SEQR review.

The Board went through Part 2 of the Full Environmental Assessment Form to identify any potential project impacts.

Resolution No. 005-2019 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 David and Robert Cleary (the "Applicants") for Site Plan approval for the proposed demolition of a vacant structure and related improvements and construction of a new, 6,200-square-foot convenience store and restaurant, including a drive-through and fueling station, at 1156 Broadway (SBL No. 109.10-1-25), 985 Sebring Avenue (SBL No. 109.10-1-29), 987 Sebring Avenue (SBL No. 109.10-1-28), and 989 Sebring Avenue (SBL No. 109.10-1-27) (collectively, the "Site"), and related Area Variances as described herein, 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: Southport Convenience Store & Restaurant (the "Project")

Reviewing Agency: Town of Southport Planning Board

SEQR Status: Unlisted Action

Location: 1156 Broadway (SBL No. 109.10-1-25), 985 Sebring Avenue (SBL No. 109.10-1-29), 987 Sebring Avenue (SBL No. 109.10-1-28), and 989 Sebring Avenue (SBL No. 109.10-1-27)

Landowner: Aces & Eights Realty, LLC

Zoning District: Commercial Regional (CR)

Project Description: The Applicants propose to demolish a vacant structure and related improvements and construct a new, 6,200-square-foot convenience store and restaurant, including a drive-through and fueling station. The Project requires Site Plan approval and Area Variances due to nonconforming lot size, building setback from property boundaries, fuel canopy setback from property boundaries, driving aisle width, and sign setback from property boundaries.

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 acting as Lead Agency in this SEQRA Coordinated Review, having declared itself Lead Agency after circulating a Notice of Intent to Act as Lead Agency to all Interested and Involved Agencies.
2. On or about January 16, 2019, the Applicants provided detailed Project information, including a Short Environmental Assessment Form pursuant to SEQRA and materials in support of their application for Site Plan approval and Area Variances. These application materials were supplemented in response to feedback received from the Planning Board and the Town Zoning Board of Appeals and through public comments. The supplementation included but was not limited to the Applicants' completion and submission of a SEQRA Full Environmental Assessment Form, Part 1.
3. A representative of the Applicants met with the Planning Board at its meetings on February 4, 2019, March 4, 2019, April 1, 2019, May 6, 2019, and June 3, 2019 to discuss the Project. In addition, the Planning Board held a Public Hearing on the Site Plan on April 1, 2019, 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:

- Submission of Fagan Engineers with Cover Letter dated January 16, 2019;
 - Site Plan Drawing Set dated January 16, 2018, with subsequent revisions;
 - Short Environmental Assessment Form, Part 1, dated January 16, 2019 and revised version dated January 21, 2019;
 - Full Environmental Assessment Form, Part 1, dated June 6, 2019;
 - Chemung County Planning Board Municipal Referral Form dated January 17, 2019;
 - Submission of Fagan Engineers with Cover Letter dated February 8, 2019;
 - Public comments regarding the Project solicited during the public hearing held by the Planning Board on April 1, 2019;
 - Public comments regarding the Project solicited during the public hearing held by the Zoning Board of Appeals on March 20 and April 24, 2019; and
 - Comments received from the New York State Department of Transportation dated May 28, 2019.
 - Application materials and other documentation related to Restore NY grant funding for demolition of existing Site improvements.
 - Review Letter from SRF Engineering Associates D.P.C., dated June 20, 2019, concerning potential traffic impacts.
4. The Project requires Site Plan approval and Area Variances due to nonconforming lot size, building setback from property boundaries, fuel canopy setback from property boundaries, driving aisle width, and sign setback from property boundaries.

Environmental Setting

The Site is located in a well-developed area containing a mix of residential and commercial uses. It is zoned Commercial Regional (CR). The parcels on which the Project will be located comprise approximately 0.88 acres.

Analysis of Impacts to Environmental Resources

Impacts on Surface Water

The Project does not require a Stormwater Pollution Prevention Plan (SWPPP) because it will involve the disturbance of less than one acre. However, the Applicants propose to retain all stormwater runoff on-site utilizing infiltration practices. The Applicants also included an Erosion & Sediment Control Plan to mitigate construction impacts. The Site is located in a designated FEMA Zone B, which is a Non-Special Flood Hazard Area with moderate-to-low risk.

Impacts on Groundwater

Water will be supplied by the Elmira Water Board and sanitary sewer service by the Chemung County Sewer District. The bulk petroleum storage associated with the fueling station will be permitted through the New York State Department of Environmental Conservation and will be constructed in accordance with state regulations.

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 equipment during construction, and from vehicles visiting the Site during its operation, but the emissions from these sources and any others on the Site are not anticipated to be substantial. The Project does not meet any New York State threshold to require an air permit. For these reasons, the Project will not result in any significant adverse impacts on air quality.

Impacts on Traffic

The Project will generate traffic that is consistent with uses allowed in the Site's Commercial Regional (CR) zoning district. The Applicants provided a trip generation report demonstrating that new traffic to the area will be less than 100 trips for the A.M. and P.M. peak hours and will not exceed the capacity of the existing road network. The trip generation report's conclusions with respect to traffic impacts have been independently evaluated by SRF Engineering Associates D.P.C., acting as the Town's traffic engineering consultant for review of the Project. The Applicants have received approval from the Chemung County Department of Public Works for the design of the driveway entrance on Broadway. The Project will improve pedestrian access by providing additional sidewalks on Sebring Avenue. In addition, pavement core sampling performed on Sebring Avenue has been reviewed by the Town Highway Department, and it has been determined that Sebring Avenue has adequate construction and subsurface properties to withstand heavy vehicle traffic. Overall, the Project is well-designed to accommodate traffic flow and to prevent any significant adverse impacts on traffic conditions in the area.

Impacts on Noise Levels, Odors, and Light Levels

The Project has been modified to ensure that noise will be at ambient levels at the perimeter of the Site. The mitigation measures include taller fencing and modifications to the drive-through call box. All light fixtures are to be "Dark Sky" compliant, and the Applicants have provided a photometrics plan demonstrating compliance. Waste will be managed so as to prevent objectionable odors. For these reasons, the Project will not have any significant adverse impacts on noise levels, odors, or light levels.

Impacts on Community Resources and Services

The Project will not result in any substantial new burden on community resources or services. Utilities will be provided by local utility companies, which have adequate capacity to meet the Project's needs. The Project will generate minimal new demand for community services such as police and fire protection and public transportation. The proposed sidewalks will improve pedestrian access and safety. 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 located in a well-developed area containing a mix of residential and commercial uses. 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 Project has been well designed to fit in with surrounding land uses and aesthetics. In addition, because it involves removal of a vacant and disused building, it will improve the overall appearance of the Site. 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:

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

Date: _____

Authorized Signature

Supporting Documentation:

- Submission of Fagan Engineers with Cover Letter dated January 16, 2019;
- Site Plan Drawing Set dated January 16, 2018, with subsequent revisions;
- Short Environmental Assessment Form, Part 1, dated January 16, 2019 and revised version dated January 21, 2019;
- Full Environmental Assessment Form, Part 1, dated June 6, 2019;
- Chemung County Planning Board Municipal Referral Form dated January 17, 2019;
- Submission of Fagan Engineers with Cover Letter dated February 8, 2019;
- Comments received from the New York State Department of Transportation dated May 28, 2019.
- Application materials and other documentation related to Restore NY grant funding for demolition of existing Site improvements.
- Review Letter from SRF Engineering Associates D.P.C., dated June 20, 2019, concerning potential traffic impacts.

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

Resolution No. 006-2019 PB

SITE PLAN APPROVAL GRANTED TO DAVID AND ROBERT CLEARY TO CONSTRUCT THE SOUTHPORT CONVENIENCE STORE, RESTAURANT AND FILLING STATION LOCATED AT 1156 BROADWAY AND THREE ADJACENT PARCELS, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.10-1-25, 27, 28 & 29 ZONED COMMERCIAL REGIONAL (CR)

Resolution by: Berman
Seconded by: Peterson

WHEREAS, on or about January 16, 2019, David and Robert Cleary, through their consultant, Fagan Engineers, submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to construct a 6,200 square foot retail store and associated improvements located at 1156 Broadway and three adjacent parcels, Town of Southport, tax map #109.10-1-25, 27, 28 & 29, zoned Commercial Regional (CR); 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 Town Planning Board held duly noticed meetings on February 4, 2019, March 4, 2019, April 1, 2019, May 6, 2019, and June 3, 2019, at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board declared its intent to act as Lead Agency on February 4, 2019 in accordance with 6 NYCRR 617.6 and determined the project is an Unlisted Action, and subsequently performed a Coordinated State Environmental Quality Review Act (SEQRA) Review; and

WHEREAS, the application was referred to the Chemung County Planning Board on January 17, 2019 pursuant to New York State General Municipal Law §239-m, and the County Planning Board provided comments pertaining to aesthetics, landscaping, and the pending receipt of NYS Dept. of Transportation comments in regards to the Project; and

WHEREAS, the Town Planning Board conducted a public hearing on Monday, April 1, 2019 at 7:00 p.m., which was continued to the May 6, 2019 Town Planning Board meeting and held open for written comments until May 31, 2019, 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 and through the acceptance of written comments, any and all individuals wishing to be heard were then and there given the opportunity to do so; and

WHEREAS, the Zoning Board of Appeals approved the required area variances at its April 24, 2019 meeting; now

BE IT THEREFORE RESOLVED, pursuant to SEQRA, Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Town Planning Board has completed a Coordinated Review. The Town Planning Board has completed Part 2 and Part 3 of an Environmental Assessment Form and declares that the proposed Unlisted action will not have any significant adverse environmental impacts and that the preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and after due deliberation, investigation and consideration it is

FURTHER RESOLVED, that the Town Planning Board hereby grants approval for the Site Plan of applicants David and Robert Cleary, submitted through their consultant, Fagan Engineers, as presented with the following conditions:

1. Stormwater information and traffic data must be submitted to the NYS Dept. of Transportation as they requested.
2. The project must receive confirmation from SRF Engineering Associates D.P.C., acting as the Town's traffic engineering consultant, with respect to the data and conclusions contained in the applicants' trip generation report.
3. The project must receive all required NYS Dept. of Environmental Conservation permits and approvals for the underground storage tank installation.
4. A solid vinyl privacy fence, eight (8) feet high, must be installed along the adjoining property lines between 983 Sebring Avenue, 985 Sebring Avenue and 1156 Broadway.
5. Trucks making deliveries must not idle their engines for more than five (5) minutes and must comply with NYS Law.
6. The hours of operation must not extend beyond 5:00 a.m. to 11:00 p.m.
7. All truck deliveries that exit the site by turning onto Sebring Avenue must turn left, and a sign must be added under the appropriate stop sign directing trucks turning onto Sebring Avenue to turn left.
8. The drive-through speaker must be angled away from 983 Sebring Avenue.
9. All lights must be dark sky compliant.

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

NOES: None

ABSENT: None

MOTION CARRIED.

Next was referral from the Town Board regarding amendment to Chapter 464 Subdivision of Land. The Board tabled the referral until the July meeting.

No other business to come before the Board. Chairman Parsons made a motion to adjourn the meeting. All were in favor. The meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney