



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, August 5, 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, August 5, 2019 at 7:00 p.m.

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

Board Member Absent: Chad West

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary

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 July 1, 2019 minutes. Hearing no comments, the Board accepted the minutes as presented.

Next was discussion about the revised traffic data summary presented by Fagan Engineers, on behalf of David and Robert Cleary. SRF Associates provided a review of the updated traffic materials submitted to the Town by Fagan Engineers related to the proposed Convenience Store and Restaurant Development.

- The peak hour trips were calculated incorrectly in the data provided. The table below shows the correct trip generation for the site based upon the provided data.

	7/3 PM Peak	7/15 PM Peak	7/15 AM Peak	7/16 AM Peak
Enter	38	30	19	20
Exit	46	31	20	17

- The drive-thru queuing data provided indicates a maximum queue of four (4) vehicles during a 15minute period. The site plan shows there is sufficient storage on site to accommodate drive-thru queueing without any spillback into the adjacent street.
- Based upon the trip generation data, this site will not have any adverse impacts on traffic on the surrounding highway network.
- No further study is warranted or recommended.

Mr. Gensel talked about using existing traffic counts from the Cleary's existing business in Mansfield, Pennsylvania. Fagan Engineer submitted a revised Site Plan showing the building size now 5,400 square foot with larger sidewalks. There are no changes to the approved Variances. Hours of operation remain the same.

There were no further comments from the Board. Board Member Berman made a motion to accept the revised site plan dated July 16, 2019 as presented with conditions; Board Member Hastings seconded the motion. SEQR was declared an Unlisted Action, Coordinated Review with a Negative Declaration.

Resolution No. 007-2019 PB

SITE PLAN APPROVAL GRANTED TO DAVID AND ROBERT CLEARY TO CONSTRUCT A CONVENIENCE STORE, RESTAURANT AND FILLING STATION LOCATED AT 1156 BROADWAY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.10-1-25 ZONED COMMERCIAL REGIONAL

Resolution by: Berman
Seconded by: Hastings

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, Town of Southport, tax map #109.10-1-25 zoned Commercial Regional (CR); and

WHEREAS, on or about July 17, 2019, David and Robert Cleary, through their consultant, Fagan Engineers, submitted a revised application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to construct a 5,400 square foot retail store and associated improvements located at 1156 Broadway, Town of Southport, tax map #109.10-1-25 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, June 3, 2019, July 1, 2019 and August 5, 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 Department 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 revised Site Plan dated July 16, 2019 of applicants David and Robert Cleary,

submitted through their consultant, Fagan Engineers, as presented, to construct a 5,400 square foot convenience store, restaurant, filling station and associated improvements located at 1156 Broadway with the following conditions:

1. Stormwater information and traffic data must be submitted to the NYS Department of Transportation as they requested.
2. The project received 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, McGonigal, Parsons, Peterson

NOES: None

ABSENT: West

MOTION CARRIED.

Next was review of the site plan of Smoke Buddy's Smoke Shop to operate a retail tobacco and smoking accessories store to be located in the Southtown Plaza, 1600 Cedar Street, Elmira, NY tax map #109.12-1-11 zoned Commercial Regional.

Tom Wight presented the application to the Board. He explained that the product would be displayed on the walls of the store and there would be signage in the front windows. Code Officer Peter Rocchi explained that the LED sign could not be flashing per Town Code.

There were no further comments from the Board. Chairman Parsons set a public hearing for Tuesday, September 3, 2019 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was referral from the Town Board regarding amendment to Chapter 464 Subdivision of Land. Board Member French made a motion that the Planning Board recommends that the Town Board accept the amendment to Chapter 464 Subdivision of Land as it was presented, with the Town Attorney inserting the related date, Chapter and Section where required. Vice Chairman Collins seconded the motion. All were in favor.

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

Next was referral from the Town Board to review Pawn Shops and Secondhand Dealer Businesses. The Board discussed having the required manpower to enforce a code like the City of Elmira's. The Town currently has one Pawn Shop in operation. The Board tabled the referral until the September meeting.

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Board Member Peterson seconded the motion. All were in favor. The meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney