



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Regular Meeting

**Tuesday, September 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 Tuesday, September 3, 2019 at 7:00 p.m.

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

Board Member Absent: Jennifer McGonigal, Alternate

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 August 5, 2019 minutes. Hearing no comments, the Board accepted the minutes as presented.

**Public Hearing -** 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

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 7:03 p.m.

Tom Wight presented the application to the Board. He explained that this would be the third location for this retailer. The Board discussed the hours of

operation, types of legal products being sold, Board of Health requirements and LED signage.

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 with a Negative Declaration.

**Resolution No. 008-2019 PB**

**SITE PLAN APPROVAL GRANTED TO SMOKE BUDDY’S SMOKE SHOP TO OPERATE A RETAIL TOBACCO AND SMOKING ACCESSORIES STORE LOCATED AT 1600 CEDAR STREET, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.12-1-11 ZONED COMMERCIAL REGIONAL**

**Resolution by:     Berman**  
**Seconded by:     Peterson**

**WHEREAS**, on or about July 17, 2019, Tom Wight submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to operate a retail tobacco and smoking accessories store located at 1600 Cedar Street, Town of Southport, tax map #109.12-1-11 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 a duly noticed meeting on August 5, 2019 at which the Applicant presented information about the project; and

**WHEREAS**, the Town Planning Board conducted a public hearing on Tuesday, September 3, 2019 at 7:00 p.m., 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 Smoke Buddy's, as presented, to operate a retail tobacco and smoking accessories shop located at 1600 Cedar Street with the following conditions:

1. The hours of operation will be Monday through Sunday 9:00 a.m. to 1:00 a.m.
2. The business operation is to follow Board of Health regulations.
3. Signs would be installed per Town Code.

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

**NOES: West**

**ABSENT: McGonigal**

**MOTION CARRIED.**

Next was referral from the Town Board to review Pawn Shops and Secondhand Dealer Businesses. The Board reviewed and compared the Town of Southport Chapter 396 Peddlers and Solicitors with other Towns and recommend that no changes be made to the current code.

Board Member French made a motion to recommend that the Town Board not make any changes to Chapter 396 Peddlers and Solicitors; Vice Chairman Collins seconded the motion.

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

**NOES: None**

**ABSENT: McGonigal**

**MOTION CARRIED.**

A Special Meeting will be held on Tuesday, September 10, 2019 at 5:30 p.m. with the Town Board, Board of Appeals and Planning Board pertaining to Wireless Telecommunication Services Facilities and changes to the Use Table and any definitions.

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 7:28 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney