



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD Regular Meeting

**Tuesday, September 1, 2020  
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 1, 2020 at 7:00 p.m.

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

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

Joined Remotely: Kathy Szerszen, Town Supervisor

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 3, 2020 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

The Chairman welcomed Jennifer McGonigal as the regular Planning Board Member taking the unexpired term of Board Member West. The Board will look to fill the Alternate Planning Board Member position.

**Public Hearing –** Site plan amendment of Leon Tuttle to construct a 25-foot by 100-foot storage building at Southport Storage located at 2147 S. Broadway, Pine City, New York.  
Tax map 109.00-1-11 Zoned Industrial

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. and was turned back over to the Planning Board.

Mr. Tuttle explained that he will build a 25x100 foot metal pole style storage building with no utilities, using the same materials as the existing buildings.

Hearing no other comments from the Board, Vice Chairman Collins made a motion to accept the site plan amendment as presented; Board Member French seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration. No further discussion on the motion.

**Resolution No. 007-2020 PB**

**APPROVAL GRANTED FOR SITE PLAN AMENDMENT OF LEON TUTTLE TO CONSTRUCT A 25 FOOT BY 100 FOOT STORAGE BUILDING LOCATED AT 2147 SOUTH BROADWAY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.00-1-11 ZONED INDUSTRIAL**

**Resolution by: Collins**  
**Seconded by: French**

**WHEREAS**, on or about July 15, 2020, Leon Tuttle submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan Amendment to construct a 25-foot by 100-foot storage building located at 2147 South Broadway, Pine City, New York, tax map #109.00-1-11 zoned Industrial; and

**WHEREAS**, the Town Planning Board held a duly noticed meeting on August 3, 2020 at which the Applicant presented information about the project; and

**WHEREAS**, the Town Planning Board conducted a public hearing on September 1, 2020 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 Amendment of Leon Tuttle, as presented, to construct a 25-foot by 100-foot storage building located at 2147 South Broadway. Failure to make significant progress on the project within one (1) year from granting approval

of this site plan will render the site plan null and void. Conditions shall be completed within one year unless otherwise stated.

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

**NOES: None**

**MOTION CARRIED.**

**Public Hearing –** Site Plan Amendment of Charlie Todd to construct a 60-foot by 80-foot pole barn to operate a farmer’s market and event center at Chamberlain Acres located at 824 Broadway, Elmira, New York  
Tax map 99.18-5-18 zoned Commercial Neighborhood

Mr. Todd was waiting for his builder to arrive; the Board delayed the Public Hearing until later in the meeting and moved to the next item on the agenda.

Next was the referral from the Town Board to review Autumnview Estates sketch plan for an advisory report to address the criteria required in the Town Municipal Code Chapter 525-44 (B)(4).

Town Attorney Connolly read through the code to talk about the overall impact of the project in its totality. The Board discussed sidewalks, construction of the road, connecting the road to Elmira Street, open space, stormwater, drainage, utilities, high ground water, and the design of septic systems regulated by Chemung County Health Department.

In accordance with § 525-44-B-(4), the Town Planning Board finds that, The proposed Autumnview Estates is conceptually sound in that it conforms to accepted design principles in the proposed functional roadway and pedestrian systems, land use configuration, open space system, drainage system, and scale of the elements both absolutely and to one another through extension of systems similar to those in the adjacent neighborhood.

There are adequate services and utilities available or proposed to be made available in the construction of the development. The project site is served by public water, electric, natural gas and telecommunications. The site will require private wastewater systems approved by the Chemung County Health Department as with any development in this area of the Town of Southport.

Eugene Slater of 974 Hudson Acres, Pine City asked about the raised mound septic systems proposed for the Autumnview Estates project and was concerned about the high ground water.

After no further discussion from the Board, Chairman Parsons made a motion to issue an advisory report to the Town Board on the PDD sketch plan of Autumnview Estates; Vice Chairman Collins seconded the motion.

**Resolution No. 008-2020 PB**

**AUTUMNVIEW ESTATES PROJECT  
SKETCH PLAN ADVISORY REPORT**

**Resolution by: Parsons**  
**Seconded by: Collins**

**WHEREAS**, pursuant to Town of Southport Town Code Article VII, Planned Development District, the Town of Southport Town Board (the “Town Board”) has received an application for the creation of a Planned Development District (“PDD”) to accommodate the proposed Autumnview Estates Project in Pine City, New York; and

**WHEREAS**, the Town of Southport Planning Board (the “Planning Board”) has received and reviewed a Sketch Plan submitted in connection with the proposed creation of a PDD to accommodate the proposed Autumnview Estates Project; and

**WHEREAS**, Town of Southport Town Code Section 525-44(B)(4) requires that the Planning Board issue an Advisory Report to the Town Board determining whether (a) the proposal is conceptually sound in that it conforms to accepted design principles in the proposed functional roadway and pedestrian systems, land use configuration, open space system, drainage system and scale of the elements both absolutely and to one another; and (b) there are adequate services and utilities available or proposed to be made available in the construction of the development;

**NOW, BE IT THEREFORE RESOLVED THAT**, the Planning Board hereby determines that an Advisory Report should be issued stating that the Autumnview Estates Sketch Plan meets the criteria set forth in Town of Southport Town Code Section 525-44(B)(4)(a). It is conceptually sound as it conforms to accepted design principles in the proposed functional roadway systems, which will conform to roadway systems already in place in the proposed project’s vicinity. The Sketch Plan conforms to the current land use configuration in that it proposes a variety of land uses including but not limited to single-family and duplex homes. The proposed drainage system also meets the criteria of this section of the Town Code in that it conforms to generally accepted design standards. The scale of the Sketch Plan’s elements conform to accepted design principles, both absolutely and to one another. There are no pedestrian or open space systems within the proposed project’s immediate vicinity; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby determines that an Advisory Report should be issued finding that the Autumnview Estates Sketch Plan meets the criteria set forth in Town of Southport Town Code Section 525-44(B)(4)(b), as there are adequate services and utilities available to the proposed project. Electrical services and public water are available to the proposed project and on-site sewage facilities will be constructed by Applicant. Applicant will maintain and snowplow proposed roadways until these roadways are dedicated to the Town of Southport.

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

**NOES: None**

**MOTION CARRIED.**

**Continued**

**Public Hearing –** Site Plan Amendment of Charlie Todd to construct a 60-foot by 80-foot pole barn to operate a farmers market and event center at Chamberlain Acres located at 824 Broadway, Elmira, New York  
Tax map 99.18-5-18 zoned Commercial Neighborhood

The Board continued with the public hearing of Charlie Todd. Mr. Todd gave a history of his request to build his now polycarbonate greenhouse with bathrooms and a kitchen for his farmers market and to have more growing space. He would install a kitchen so that his farmers could can their product. He would connect the new building to his existing greenhouse to utilize existing heat and water. He has had small private parties. He felt he was given wrong information.

The Town Attorney explained to the Planning Board that the farmers market was a permitted use in the CN zone. Mr. Todd submitted his application asking for a place to host weddings and parties. That brought to the Towns attention things that need to be considered as there was nothing for that in our code. He has changed the use for what was grandfathered in therefore it is no longer grandfathered. She explained that a structure that will hold regularly scheduled events all year long with music and traffic is a very different thing than having a farmers market. The Planning Board received two submissions from neighbors who have taken issue with the application and the proximity of the structure next to their property lines. They also received emails in support of the project.

The Town Attorney explained to Mr. Todd that his application materials did not contain the level of specificity that the code required. She explained that he has to submit a detailed Site Plan and explain to the Planning Board exactly what he wants to do with the property. He must submit a plot plan that shows

the building location on the property. He must submit drawings of the building detailing how it will be built for an assembly use. He must submit drawings of the commercial kitchen that is to be used to can goods along with Chemung County Health Departments approval. Provide a written agreement from an attorney that allows for parking in the neighboring business. The Use of the property is what dictates the protections that are put in place for the neighbors.

Chairman Parsons opened the public hearing at 8:01 p.m. It was noted that the publication was in order, then opened for comment. The applicant was not present for the public comments.

Dr. and Mrs. Acosta of 806 Bennet Street, Elmira, NY were in favor of the business for the community. They live behind the property and said the events were not obtrusive. Cars do sometimes line up for his events but there were no sound or conduct issues. They like to keep business in the Town.

Mike Smith of 786 Cedar Street, Elmira, NY is the Chemung County Legislator for the 14<sup>th</sup> Legislative District. He talked about parking being an issue and the impacts of parking on the side streets. The Chamberlain Acre lot size does not allow for the onset of parking. He asks that the Planning Board take into consideration the parking issue and that Mr. Todd provide the Planning Board a legal easement agreement from AFI Company that goes with the property allowing him to use their parking lot.

Deb Allen spoke on behalf of her mother Ann Davis of 809 Chamberlain Street, Elmira, NY. She was concerned about the buffer between the properties since the trees have been removed. She asked how close to the property line the new structure would be. There are tents set up outside of the greenhouse for the farmers market. She is requesting a 6 to 8-foot-tall fence as a barrier as it would take years for trees to grow. She was concerned with the light that would come through the polycarbonate building. She stated that holding an event a couple times a month is more than occasional and it will bring more traffic. She is concerned with her safety and security. Mr. Todd may be doing great things for the community, but questioned what he was doing for his neighbors. She asked why mailings are not sent to the neighbors directly impacted.

No one else wished to be heard, the public portion of the meeting was closed at 8:22 p.m. and was turned back over to the Planning Board. The public hearing would remain open until the October 5, 2020 meeting until the Board receives more detailed information from Mr. Todd.

Board Member French compared the rodeo on Kinner Hill Road to the Chamberlain Acres events center. The rodeo wanted to host more rodeo events and add weddings and birthday parties to their event schedule. It was

an impact to the neighbors and the Planning Board did not allow all of the additional events.

The Town Attorney will research case law for “occasional” uses of a property for weddings.

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Vice Chairman Collins seconded the motion. All were in favor. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney