



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, December 7, 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 Monday, December 7, 2020 at 7:00 p.m.

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

Joined Remotely: Trish Peterson
Leslie Connolly, Town Attorney
Peter Rocchi, Code Enforcement Officer

Others Present: 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 November 2, 2020 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

Next the Planning Board set the meeting schedule for the year 2021. All meetings will be held on the first Monday of each month with the exception of the July 2021 meeting which will be held on Tuesday, July 6, 2021 due to the July 4th holiday and the September 2021 meeting which will be held on Tuesday, September 7, 2021 due to the Labor Day holiday. Deadline for site plan and special use permit applications will continue to be the third Wednesday of each month. Chairman Parsons made a motion to accept the meeting schedule; Board Member French seconded the motion. All were in favor.

AYES: Berman, Collins, French, Hastings, McGonigal, Parsons, Peterson
NOES: None
ABSENT: 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 applicant was not present for the meeting. Town Attorney Connolly recommended that the public hearing remain open until the January 4, 2021 meeting. Chairman Parsons extended the public hearing until the January meeting.

Public Hearing – Site Plan of Arthur Lavallee to operate an automotive service garage located at 5 Dry Run Road, Pine City, New York
Tax map 118.01-1-12.1 zoned Commercial Neighborhood

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. and was turned back over to the Planning Board.

The Board discussed the comments from the Chemung County Planning Board. Their concern was parking and backing out onto Dry Run Road. Andrew Harding with AJH Design discussed solutions to the parking. Mr. Lavallee explained that he would back finished vehicles into a parking space so that customers could pull out onto Dry Run instead of backing out. They would add two parallel spots in front of the building with limited parking time. The number of required parking spaces are set per site plan review. The building would be wood frame construction and the signs must be installed per code.

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

Resolution No. 010-2020 PB

SITE PLAN APPROVAL GRANTED TO ARTHUR LAVALLEE TO OPERATE AN AUTOMOTIVE SERVICE GARAGE LOCATED AT 5 DRY RUN ROAD, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #118.01-1-12.1 ZONED COMMERCIAL NEIGHBORHOOD

Resolution by: Collins
Seconded by: French

WHEREAS, on or about October 20, 2020, Arthur Lavalley submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to operate an automotive repair shop in an existing garage located at 5 Dry Run Road, Town of Southport, tax map #118.01-1-12.1 zoned Commercial Neighborhood; and

WHEREAS, the application was submitted to the Town Planning Board and defined as a § 525-110 Vehicle filling stations, vehicle repair, vehicle sales and heavy equipment vehicle sales and/or repair, and/or contractor's equipment yard in a pre-existing vehicle repair building; and

WHEREAS, the Town Planning Board held a duly noticed meeting on November 2, 2020 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on December 7, 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 of Arthur Lavalley, as presented with conditions. 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.

1. Any new signage will be installed per Town Code.
2. Parking to allow for two additional cars out in front of the building parallel to the road.
3. Install appropriate parking lot markings to designate how parking is to be conducted.
4. Completed cars are backed in for customer pickup.

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

Public Hearing – Site Plan Amendment of Jodi Wheeler to install a 14 foot by 28-foot pre-built shed to be used for recycling storage located at 1825B Pennsylvania Avenue, Pine City, New York Tax map 127.00-1-15.221 zoned Commercial Neighborhood

It was noted that the publication was in order. The applicant was not present for the meeting. The Board would leave the public hearing open until the January 4, 2021 meeting.

Next was the Site Plan review of Josh Davis for a minor subdivision of land located at Widger Hill Road, Pine City, New York tax map #126.00-1-42 zoned Agricultural Residential.

Mr. Davis explained that his father owns 70 acres of land and gifted him 5 acres which he would like to build a house on in the Spring. The property will not be landlocked and has the required road frontage.

The Board discussed that this was a minor subdivision of land where the proposed subdivision consists solely of the simple alternation of lot lines therefore a public hearing would not be required.

Hearing no other comments from the Board, Board Member French made a motion to accept the site plan as presented with conditions; Board Member Berman seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration.

Resolution No. 011-2020 PB

**SITE PLAN APPROVAL GRANTED TO JOSH DAVIS FOR A MINOR
SUBDIVISION OF LAND LOCATED AT WIDGER HILL ROAD,
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK,
TAX MAP #126.00-1-42 ZONED AGRICULTURAL RESIDENTIAL**

Resolution by: French
Seconded by: Berman

WHEREAS, on or about November 20, 2020, Josh Davis submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan for a minor subdivision of land located at Widger Hill Road, Town of Southport, tax map #126.00-1-42 zoned Agricultural Residential; and

WHEREAS, the application was submitted to the Town Planning Board and defined as a Resubdivision of land per the Town Code Chapter 464-8 Resubdivision; and

WHEREAS, the Town Planning Board held a duly noticed meeting on December 7, 2020 at which the Applicant presented information about the project; and

WHEREAS, at that meeting the Town Planning Board determined the subdivision consisted solely of the simple alterations of lot lines and the normal subdivision procedures were waived and would not require a public hearing; 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 Josh Davis, as presented, for a minor subdivision of land located at Widger Hill Road with conditions. 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.

1. There is a separate deed created for this property.
2. The Town's Assessor is aware and receives all copies of the paperwork.

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

NOES: None

MOTION CARRIED.

Next was the Site Plan review of Daniel and Bonnie Collins for a minor subdivision of land located at 785 Dry Run Road, Pine City, New York tax map #97.00-1-22.2 zoned Agricultural Residential.

Vice Chairman Collins recused himself from the Planning Board.

Mr. Collins explained that he lives at 785 Dry Run Road and is subdividing the existing 8 acre parcel into a 3 acre lot with the existing house and a 5 acre lot for future home construction. The properties will have the required road frontage.

The Board discussed that this was a minor subdivision of land where the proposed subdivision consists solely of the simple alternation of lot lines therefore a public hearing would not be required.

Hearing no other comments from the Board, Board Member French made a motion to accept the site plan as presented; Board Member Hastings

seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration.

Resolution No. 012-2020 PB

SITE PLAN APPROVAL GRANTED TO DANIEL AND BONNIE COLLINS FOR A MINOR SUBDIVISION OF LAND LOCATED AT 785 DRY RUN ROAD, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #97.00-1-22.2 ZONED AGRICULTURAL RESIDENTIAL

Resolution by: French
Seconded by: Hastings

WHEREAS, on or about November 16, 2020, Daniel Collins submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan for a minor subdivision of land located at 785 Dry Run Road, Town of Southport, tax map #97.00-1-22.2 zoned Agricultural Residential; and

WHEREAS, the application was submitted to the Town Planning Board and defined as a Resubdivision of land per the Town Code Chapter 464-8 Resubdivision; and

WHEREAS, the Town Planning Board held a duly noticed meeting on December 7 2020 at which the Applicant presented information about the project; and

WHEREAS, at that meeting the Town Planning Board determined the subdivision consisted solely of the simple alterations of lot lines and the normal subdivision procedures were waived and would not require a public hearing; 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 Daniel and Bonnie Collins, as presented, for a minor subdivision of land located at 785 Dry Run Road with conditions. 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.

1. There is a separate deed created for this property.

2. The Town's Assessor is aware and receives all copies of the paperwork.

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

ABSTAINED: Collins

NOES: None

MOTION CARRIED.

Vice Chairman Collins returned to the Planning Board.

Next was the referral from the Town Board to review the formal Planned Development District (PDD) Application along with Full Environmental Assessment Form for Autumnview Estates.

Town Attorney Connolly explained that the Town Board approved the sketch plan for the PDD and it is referred back to the Planning Board for their formal findings on the application.

James Gensel, with Fagan Engineers, explained that this was the step before the parcel is re-zoned from Residential 1 to PDD. It will go back to the Town Board for a zoning amendment if approved. If the Town Board approves a PDD then they will come back to the Planning Board with a Site Plan with detailed drawings.

Mr. Gensel talked about the current driveways on the end of Autumnview Way and that they were on Mr. Cleary's property and that they were working with the neighbors to resolve. He also talked about doing another project if the Town Board does not approve the PDD, such as single-family homes.

Major environmental items discussed were the septic systems that are to be reviewed the Chemung County Health Department, traffic that was reviewed by the County Department of Public Works, and finally Stormwater. He would like to schedule a meeting with the Stormwater Officer and Engineer.

The Board did not find any changes in the preliminary plans. The Board then went through §525-46 Required findings.

The Planning Board shall develop written findings that document the facts and information relied upon to reach its conclusions in rendering a decision on a PDD. The following mandatory findings must be addressed:

- A. That the PDD is consistent with the objectives and standards of this chapter.
 - The Planning Board agreed that the PDD is consistent with the objectives and standards of this chapter.

- B. That adequate community facilities and services exist and/or are to be accommodated as part of this planned development.
- The Planning Board discussed that adequate facilities and services such as water, cable, electric, gas, and emergency services are available. The proposed sanitary sewer treatment system is adequate for the PDD.
- C. That the PDD establishes a mix of uses and a physical development pattern which would not be attainable through a traditional zoning amendment, as described in this chapter.
- The Planning Board agreed that duplexes would not be allowed without a PDD. A mix of duplexes and single-family homes would create a residential niche that the Town of Southport does not have. Rentals with snow removal and maintenance of grounds for the senior population would be a benefit of the PDD. Extending Autumnview to Elmira Street will also improve accessibility to the PDD.
- D. That the PDD is compatible with the surrounding neighborhood context and character and is in conformance with the policies in the Comprehensive Plan.
- The Planning Board finds that the PDD is compatible with the surrounding neighborhood and character and is in conformity with the Comprehensive Plan. The finding is based upon the elevation studies, which match the neighborhood and the appearance and construction of other properties recently developed in the area. The PDD conforms to the Comprehensive Plan in that provides housing for senior citizens in the area.
 - Mr. Gensel explained that the Town amended its zoning to remove the overly district and created the PDD as a way to provide flexibility in the R1 zoning district, which restricts residential development to single-family homes. The PDD supports Southport's desire to give its residents additional housing options that will allow them to stay in Southport and travel to other towns to work.
 - The PDD will achieve the Town's goals and objectives by allowing resident to age in place and have ease of mobility around the town. The PDD will give more services to those residents to live, play and stay in Southport.

- E. That the PDD has mitigated potential undue adverse environmental impact as set forth during SEQRA review to the maximum extent practicable.
- The Planning Board discussed three main environmental issues for the development:
 1. Septic – will be reviewed and approved by the County Health Department
 2. Traffic – will be minimal
 3. Stormwater – will be properly managed due to the area's high water table. Further, stormwater will be reviewed by Chemung County Soil and Water Conservation District subject matter expert(s).
 - The Planning Board agreed that visual aspects are environmental. They discussed the water table and Stormwater being an environmental impact.
- F. That the PDD will add to the long-term assets of the community and it will not erode the livability or economic viability of existing and neighboring areas.
- The Planning Board agreed that it would add new housing stock to that area and add a new road. It would be a long-term asset to the community, as it would allow seniors, and aging parents to remain in Southport. It will have independent living and stay close to families. Not just for 55+ demographics. It will increase the Town's Economic viability and residential values.
- G. That the open space and recreation areas and facilities provided are commensurate with the level of development proposed and the predevelopment open space resources potentially available for protection.
- The Planning Board discussed the PDD's close proximity to Chapel Park and found that additional recreation space, which would need to be maintained by the community, unnecessary. The Planning Board did not find the need to use existing open space for recreational facilities. The PDD would provide additional walkable space by adding the new road (at the expense of a proposed pavilion, which the Planning Board did not find necessary), and open space would be maintained in connection with stormwater management.
 - PDD will not impact wetlands, critically environmental habitats, protected areas or utilize greenspace to provide open space recreation areas or facilities. Chapel Park is close in proximity and will not require green space.

- H. That the provisions to protect open space resources are sufficiently secured by dedication where appropriate and desirable or legal instruments and/or monitoring programs and/or establishment or use of an existing trust to ensure their continued long-term protection.
- This provision does not apply to this PDD due to the availability of Chapel Park. The Planning Board is not aware of any protected areas that would be endangered by the PDD.

Satisfied finding review. Town Attorney will put the findings in writing and get the approval of Planning Board by email and sign off. Motion on findings.

Chairman made a motion to accept the findings that the Planning Board is presenting to Town Board as written in minutes; Board Member Peterson seconded the motion.

Resolution No. 013-2020 PB

**TOWN OF SOUTHPORT PLANNING BOARD
AUTUMNVIEW ESTATES PROJECT
PLANNED DEVELOPMENT DISTRICT FORMAL APPLICATION AND
FULL ENVIRONMENTAL ASSESSMENT FORM REVIEW
WRITTEN FINDINGS and CONCLUSIONS**

Resolution by: Parsons
Seconded by: Peterson

WHEREAS, in accordance with the Town of Southport Code Chapter 525, Article 7, Planned Development District Provisions, Section 44 Application review and Approval Procedure, at the Town of Southport Town Board (the "Town Board") meeting held on July 14, 2020, the Town Board accepted the sketch plan for the "Autumnview Estates" Planned Development District (the "PDD") and referred the sketch plan to the Town of Southport Planning (the "Planning Board") Board for review and the issuance of an advisory report; and

WHEREAS, the Town Board received correspondence from the Planning Board recommending that the Town Board accept the sketch plan; however, the correspondence did not include an advisory report outlining the criteria required in Town of Southport Code Chapter 525-44 (B)(4) (the "Advisory Report"); and

WHEREAS, the Planning Board issued its Advisory Report to the Town Board in compliance with Town of Southport Code Chapter 525-44 (B)(4); and

WHEREAS, the Town Board accepted the Planning Board's Advisory Report at the Town Board's regularly scheduled November 10, 2020 meeting; and

WHEREAS, at said meeting the Town Board referred the review of the Autumnview Estates PDD's formal application and accompanying full environmental assessment form to the Planning Board for the Planning Board's consideration and evaluation pursuant to Town of Southport Code Section 525-46; and

WHEREAS, the Planning Board reviewed the Autumnview Estates PDD formal application and full environmental assessment form in accordance with Town of Southport Code Section 525-46 at its December 7, 2020 regularly scheduled meeting and voted unanimously to develop written findings documenting the facts and information supporting the Planning Board's recommendation that the Town Board approve the Autumnview Estates PDD.

NOW, BE THEREFORE RESOLVED THAT the Planning Board recommends that the Autumnview Estates PDD be approved based upon its review of the criteria contained in Southport Town Code Section 525-46, reprinted herein for ease of reference:

- A. That the PDD is consistent with the objectives and standards of this chapter.
 - The Planning Board agreed that the PDD is consistent with the objectives and standards of this chapter.
- B. That adequate community facilities and services exist and/or are to be accommodated as part of this planned development.
 - The Planning Board discussed that adequate facilities and services such as water, cable, electric, gas, and emergency services are available. The proposed sanitary sewer treatment system is adequate for the PDD.
- C. That the PDD establishes a mix of uses and a physical development pattern which would not be attainable through a traditional zoning amendment, as described in this chapter.
 - The Planning Board agreed that duplexes would not be allowed without a PDD. A mix of duplexes and single-family homes would create a residential niche that the Town of Southport does not have. Rentals with snow removal and maintenance of grounds for the senior population would be a benefit of the PDD. Extending Autumnview to Elmira Street will also improve accessibility to the PDD.

D. That the PDD is compatible with the surrounding neighborhood context and character and is in conformance with the policies in the Comprehensive Plan.

- The Planning Board finds that the PDD is compatible with the surrounding neighborhood and character and is in conformity with the Comprehensive Plan. This finding is based upon the elevation studies, which match the neighborhood and the appearance and construction of other properties recently developed in the area. The PDD conforms to the Comprehensive Plan in that provides housing for senior citizens in the area.
- The Planning Board agrees with Applicant's explanation that the Town amended its zoning to remove the area's overlay district and created the PDD as a way to provide flexibility in the R1 zoning district, which restricts residential development to single-family homes. The Planning Board finds that the PDD supports Southport's desire to give its residents additional housing options that will allow them to remain in Southport and travel to other towns to work.
- The Planning Board further finds that the PDD will achieve the Town's goals and objectives by allowing residents to age in place and still be able to access the Town's amenities. The Planning Board finds that the PDD will provide its residents an additional place to live, play and stay in Southport.

E. That the PDD has mitigated potential undue adverse environmental impact as set forth during SEQRA review to the maximum extent practicable.

- Planning Board evaluated what it has identified as the three main environmental issues for the development, and found that the PDD will mitigate any resulting impacts to the maximum extent practicable:
 1. Septic – The Planning Board is comfortable with the septic system as proposed, and finds that it will be reviewed and approved by the Chemung County Health Department.
 2. Traffic - The Planning Board finds that traffic associated with the PDD will be minimal.
 3. Stormwater - The Planning Board finds that stormwater will be properly managed in accordance with the area's high water table.

F. That the PDD will add to the long-term assets of the community and it will not erode the livability or economic viability of existing and neighboring areas.

- The Planning Board finds that the PDD will add new housing stock to the area, as well as a new road. The Planning Board also found that the PDD would be a long-term asset to the community, as it would allow seniors and aging parents to remain in Southport, affording seniors with independent living and the ability to stay close to families. For these reasons, the Planning Board finds that the PDD will increase the Town's economic viability and residential values.

G. That the open space and recreation areas and facilities provided are commensurate with the level of development proposed and the predevelopment open space resources potentially available for protection.

- The Planning Board reviewed the PDD's close proximity to Chapel Park and found that additional recreation space, which would need to be maintained by the community, unnecessary. The Planning Board did not find the need to use existing open space for recreational facilities. The PDD would provide additional walkable space by adding the new road (at the expense of a proposed pavilion, which the Planning Board did not find necessary), and open space would be maintained in connection with stormwater management.
- The Planning Board found that the PDD would not impact wetlands, critically environmental habitats, protected areas or utilize greenspace to provide open space recreation areas or facilities. Chapel Park is close in proximity and will not require green space.

H. That the provisions to protect open space resources are sufficiently secured by dedication where appropriate and desirable or legal instruments and/or monitoring programs and/or establishment or use of an existing trust to ensure their continued long-term protection.

- The Planning Board found that this provision did not apply to the PDD due to the availability of Chapel Park. The Planning Board is unaware of any protected areas that would be endangered by the PDD.

BE IT FURTHER RESOLVED THAT, the Planning Board hereby recommends that the Town Board approve the Autumnview Estates formal application for a PDD, as said application and full environmental assessment form demonstrate that the proposed PDD will meet the criteria set forth in Town of Southport Code Section 525-46.

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

Next was referral from Town Board to review the proposed amendment to zoning law §525-50 Consultant review fees.

§ 525-50 Consultant review fees.

The Planning Board and/or Town Board may require an applicant for any review, permit or approval to deposit in escrow a sufficient amount to pay for the reasonable and necessary fees and/or costs of any engineer, consultant or attorney designated by the Planning Board to review such application. The fees and/or costs charged by such engineer, consultant or attorney in connection with such review will be charged against the sum deposited in escrow. Any amount remaining shall be returned to the applicant within 45 days of final action on the application.

Board Member French made a motion to recommend that the Town Board accept the proposed changes to §525-50 Consultant review fees; Vice-Chairman Collins seconded the motion. All were in favor.

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

No other business to come before the Board. Chairman Parsons made a motion to adjourn the meeting; Vice Chairman Collins seconded the motion. All were in favor. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney