



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Regular Meeting

Monday, November 1, 2021

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, November 1, 2021 at 7:00 p.m.

Board Members Present: Larry Berman (remote)
 Troy Dygert
 Jacquelyn French
 John Hastings
 Jennifer McGonigal, Vice Chairwoman
 Chris Parsons, Chairman
 Trish Peterson
 Tracy Warner, Alternate

Board Member Absent: None

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 October 4, 2021 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

Public Hearing - Site Plan Review of Victory Highway Wesleyan Church to expand their parking lot area located at:
1074 S Main Street, Elmira, New York, tax parcel 99.20-2-32 zoned CN
204 Federal Street, Elmira, New York, tax parcel 99.20-2-33 zoned R3
1071 Charles Street, Elmira, New York, tax parcel 99.20-2-34 zoned R3
1075 Charles Street, Elmira, New York, tax parcel 99.20-2-35 zoned R3

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.

Kurt Parker, Executive Director for Victory Highway Wesleyan Church, and James Gensel with Fagan Engineers talked about the expansion of the parking

lot into the adjoining parcels. They decided to add two or three dark sky compliant pole lights to be on only when the church is being used. They will replace the existing chain link fence with a privacy fence. They will install two inner-connected drywells. The parking lot will be a solid asphalt surface. All parcels will be merged into one parcel prior to construction.

Hearing no other comments from the Board, Board Member French made a motion to accept the Site Plan as presented with conditions; Vice Chairwoman McGonigal seconded the motion. The SEQR was an Unlisted Action with a Negative Declaration.

Resolution No. 016-2021 PB

SITE PLAN APPROVAL GRANTED TO VICTORY HIGHWAY WESLEYAN CHURCH TO EXPAND THEIR PARKING LOT AREA LOCATED AT 1074 S MAIN STREET, ELMIRA, NEW YORK, TAX PARCEL 99.20-2-32 ZONED CN 204 FEDERAL STREET, ELMIRA, NEW YORK, TAX PARCEL 99.20-2-33 ZONED R3 1071 CHARLES STREET, ELMIRA, NEW YORK, TAX PARCEL 99.20-2-34 ZONED R3 1075 CHARLES STREET, ELMIRA, NEW YORK, TAX PARCEL 99.20-2-35 ZONED R3 TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK

Resolution by: French
Seconded by: McGonigal

WHEREAS, on or about August 30, 2021, Fagan Engineers, on behalf of Victory Highway Wesleyan Church, submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan to expand their parking lot area located at

1074 S Main Street, Elmira, New York, tax parcel 99.20-2-32 zoned CN
204 Federal Street, Elmira, New York, tax parcel 99.20-2-33 zoned R3
1071 Charles Street, Elmira, New York, tax parcel 99.20-2-34 zoned R3
1075 Charles Street, Elmira, New York, tax parcel 99.20-2-35 zoned R3; and

WHEREAS, the Town Planning Board held a duly noticed meeting on October 4, 2021 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on November 1, 2021 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 as presented with conditions to Victory Highway Wesleyan Church to expand their parking lot area located at 1074 South Main Street. 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. Install up to three dark sky compliant pole lights.
2. Replace existing chain link fence with a privacy fence.
3. Must install two inner-connected drywells for stormwater drainage.

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

Next was review of Site Plan of Joseph and Geraldine Place for a re-subdivision of land located at 487 Milton Street, Elmira, New York, tax map 100.10-1-34 zoned Residential 2.

Attorney John Maloney spoke on behalf of Mr. and Mrs. Place. He explained their plan to sell the house labeled lot #34 and divide off the parcels labeled lot #31 and #32. The neighbor on Fairway Avenue will purchase the lots #31 and #32 and must combine them with his lot #30 and #35. There cannot be an accessory building without a principal use, therefore the lots must be combined.

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

Resolution No. 017-2021 PB

**SITE PLAN APPROVAL GRANTED TO JOSEPH AND GERALDINE PLACE FOR
A RESUBDIVISION OF LAND LOCATED AT 487 MILTON STREET,
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK,
TAX MAP #100.10-1-34 ZONED RESIDENTIAL 2**

Resolution by: **French**
Seconded by: **Peterson**

WHEREAS, on or about October 20, 2021, Attorney Maloney submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan for a resubdivision of land located at 487 Milton Street, Town of Southport, tax map #100.10-1-34 zoned Residential 2; 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 November 1, 2021 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 as presented with conditions to Joseph and Geraldine Place for a resubdivision of land located at 487 Milton Street 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. Parcels 30, 31, and 32 must be combined with parcel 35 as shown on the application.
2. There is a new deed created for these properties.
3. The Town's Assessor is aware and receives all copies of the paperwork.

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

ABSENT: **None**

NOES: **None**

MOTION CARRIED.

Next was Site Plan review of Judith and Philip Rhoades to operate a dog grooming business located at 1352 Pennsylvania Avenue, Pine City, New York, tax map 108.04-1-13.12 zoned Agricultural Residential.

Mr. Rhoades explained that they would be relocating their existing business from 1132 Broadway to their home located at 1352 Pennsylvania Avenue. They operate by appointment only from 9:00 a.m. until 5:30 p.m. There may be two cars parked at one time. They will install lighting by the back door and on the three-car garage. A small sign would be installed for customers to find their location.

There were no further comments from the Board. Chairman Parsons set a public hearing for Monday, December 6, 2021 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was Site Plan review of Nathan Shields for a Personal Agricultural Use located at 50 Bird Creek, Pine City, New York, tax map 117.04-3-4 zoned Residential 1.

Mr. Shields explained that he received an Area Variance from the Board of Appeals to have a mini pig and five hens on a sub-standard size lot. He erected a fence around the chicken coop. The mini pig lives inside the house. He wants the chickens for tick control.

The Code Officer explained that the area of the lot is 1.4 acres where 5 acres is required by Town Code. Board Member French requested the Board of Appeals provide the Planning Board the findings from the Variance when going forward. The Board discussed the area of 1.4 acres being significantly less than the required 5 acres for an Agricultural Use. The Town Board adopted the agricultural zoning three years ago.

The Board discussed the manure, the smell and waste management. The animals and waste must be kept 150 feet from the existing residences per Chapter 525-33(A)(2) Special requirements. The chickens must not be free-range in order to meet the 150-foot distance.

There were no further comments from the Board. Chairman Parsons set a public hearing for Monday, December 6, 2021 at 7:00 p.m. or as soon thereafter as it can be heard.

The Planning Board discussed how the Board of Appeals arrives at such decisions and how they justify the reason they voted the way they did. The Town has zoning for a very good reason. The Planning Board is requesting the Board of Appeals findings when the application also requires a Site Plan approval.

No other business to come before the Board. Board Member Peterson made a motion to adjourn the meeting; Board Member French seconded the motion. All were in favor. The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney