



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Regular Meeting

Monday, December 6, 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, December 6, 2021 at 7:00 p.m.

Board Members Present: Larry Berman
 Troy Dygert
 Jacquelyn French
 John Hastings
 Chris Parsons, Chairman
 Trish Peterson
 Tracy Warner, Alternate

Board Member Absent: Jennifer McGonigal, Vice Chairwoman

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 November 1, 2021 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

Next the Planning Board set the meeting schedule for the year 2022. All meetings will be held on the first Monday of each month with the exception of the July 2022 meeting which will be held on Tuesday, July 5, 2022 due to the July 4th holiday and the September 2022 meeting which will be held on Tuesday, September 6, 2022 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, Dygert, French, Hastings, Parsons, Peterson, Warner
NOES: None
ABSENT: McGonigal
MOTION CARRIED.

Public Hearing - Site Plan 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

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 7:05 p.m. and was turned back over to the Planning Board.

Mr. Rhoades explained that they would be relocating their existing business from 1132 Broadway to their home located at 1352 Pennsylvania Avenue sometime in March. They operate by appointment only from 9:00 a.m. until 5:30 p.m. They will install night sky compliant lighting by the back door and on the three-car garage. A small sign would be installed per Town Code.

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

Resolution No. 018-2021 PB

SITE PLAN APPROVAL GRANTED TO JUDITH AND PHILIP RHOADES TO OPERATE A DOG GROOMING BUSINESS LOCATED AT 1352 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK TAX MAP #108.04-1-13.12 ZONED AGRICULTURAL RESIDENTIAL

Resolution by: French
Seconded by: Dygert

WHEREAS, on or about October 19, 2021, Philip Rhoades submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan 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; and

WHEREAS, the application was submitted to the Town Planning Board and defined as a Home Occupation per the Town Code Chapter 525-107 Home Occupations; 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, the Town Planning Board conducted a public hearing on December 6, 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 Judith and Philip Rhoades to operate a dog grooming business located at 1352 Pennsylvania Avenue. 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. Hours of operation are from 9:00 a.m. to 5:30 p.m.
2. Lights installed must be night sky compliant.
3. Signage installed must be per Town Code.

AYES: Berman, Dygert, French, Hastings, Parsons, Peterson, Warner

ABSENT: McGonigal

NOES: None

MOTION CARRIED.

Public Hearing - Site Plan 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

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 7:09 p.m. and was turned back over to the Planning Board.

Chairman Parsons explained that the applicant was granted an Area Variance from the Board of Appeals to have one mini pig and five hens, no roosters, no additional animals, and no slaughter on a sub-standard size lot. The variance stays with the property. The Site Plan process is to assure compliance with the Agricultural Use, Personal Code.

The Board discussed that the animals and waste must be kept 150 feet from any residence located on another parcel per Chapter 525-33(A)(2) Special requirements. Mr. Rocchi will measure and verify the distance from the pen to

the neighboring residences. The pig and chickens must continuously be kept 150 feet from any residence located on another parcel and must not be free-range. The manure will be composted twice per week. It will be composted with dirt and leaves.

Hearing no other 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. The SEQR was an Unlisted Action with a Negative Declaration.

Resolution No. 019-2021 PB

SITE PLAN APPROVAL GRANTED TO NATHAN SHIELDS FOR A PERSONAL AGRICULTURAL USE LOCATED AT 50 BIRD CREEK, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK TAX MAP #117.04-3-4 ZONED RESIDENTIAL 1

Resolution by: Berman
Seconded by: Peterson

WHEREAS, on or about October 20, 2021, Nathan Shields submitted an application to the Code Enforcement Officer for approval from the Town of Southport Planning Board for a Site Plan for a Personal Agricultural Use located at 50 Bird Creek, Pine City, New York, tax map 117.04-3-4 zoned Residential 1; and

WHEREAS, the application was submitted to the Town Planning Board and defined as an Agricultural Use, Personal per the Town Code Chapter 525-5 Definitions; 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 Applicant explained that the Board of Appeals granted his Area Variance to have one mini pig and five hens on a sub-standard size lot; and

WHEREAS, the Town Planning Board conducted a public hearing on December 6, 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 Nathan Shields for a Personal Agricultural Use located at 50 Bird Creek. 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. The mini pig and chickens must not be free-range.
2. The keeping and maintenance of animals and animal waste shall be not less than 150 feet from any residence located on another parcel.
3. The manure composting odor must be contained to the property.

AYES: Berman, Dygert, Hastings, Parsons, Peterson, Warner

ABSENT: McGonigal

NOES: French

MOTION CARRIED.

Next was review of Site Plan of Ellen McLaughlin for a re-subdivision of land located at 23 Holden Road, Pine City, New York, tax map 108.00-1-10 and 108.00-1-9.12 zoned Agricultural Residential.

Ms. McLaughlin explained that the neighbor across the road wanted the vacant land but not the pond. The pond was divided off and sold with the house. The setbacks are in compliance with §525-24 Bulk and Density Control Schedule.

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. 020-2021 PB

**SITE PLAN APPROVAL GRANTED TO ELLEN MCLAUGHLIN FOR A
RESUBDIVISION OF LAND LOCATED AT 23 HOLDEN ROAD,
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK,
TAX MAP #108.00-1-10 AND 108.00-1-9.12
ZONED AGRICULTURAL RESIDENTIAL**

Resolution by: French
Seconded by: Peterson

WHEREAS, on or about November 9, 2021, Ellen McLaughlin 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 23 Holden Road, Town of Southport, tax map #108.00-1-10 and #108.00-1-9.12 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 6, 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 Ellen McLaughlin for a resubdivision of land located at 23 Holden 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 new deed created for these properties.
2. The Town's Assessor is aware and receives all copies of the paperwork.

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

Other business to come before the Board was discussion about the Form-based Zoning Committee and if the Planning Board had any issues with the current zoning that needed to be addressed. The Board discussed the Town Code Chapter 464-8 Resubdivision and the resubdivision does not have to come

before the Planning Board if it is a simple alteration of lot lines and the parcels meet the §525-24 Bulk and Density Control Schedule. The Board will notify the Secretary of any other codes that need to be addressed.

No other business to come before the Board. Board Member Peterson made a motion to adjourn the meeting; Board Member Dygert seconded the motion. All were in favor. The meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney