



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD

### Meeting Minutes

Monday, November 7, 2022

7:00 pm

Board Members Present: Troy Dygert  
Jackie French  
John Hastings  
Jennifer McGonigal, Vice Chairwoman  
Trish Peterson

Board Member Absent: Larry Berman  
Chris Parsons, Chairman  
Tracy Warner, Alternate

Others Present: Peter Rocchi, Code Enforcement Officer  
Michelle Murray, Secretary

Vice Chairwoman McGonigal called the meeting to order on or about 7:00 p.m. She asked if the Board Members had any comments, questions, concerns, or corrections about the September 6, 2022 meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

Next on the agenda was the review of the Site Plan of AIM Independent Living to operate an office located at 1206 S. Main Street, Elmira, New York tax map #109.08-6-39, 109.08-6-26, and 109.08-6-40 zoned Commercial Neighborhood.

Jeff Vieselmeyer with Elmira Structures, Inc. and Rene Snyder with AIM Independent Living presented the application. The building will be used to distribute food and goods to people in need. They plan to remodel the existing building to include three offices, storage area, and an ADA bathroom. They will repave the parking lot, add vinyl siding, and install night-sky compliant lighting over the exterior doors. Delivery trucks would enter the property from South Main Street and exit on Charles Street to avoid traffic issues. The property has an existing buffer from the adjacent parcel. Dumpster would be located behind the building.

The Board agreed to allow the front parking lot to be paved before the public hearing in December.

There were no further comments from the Board. Vice Chairwoman McGonigal set a public hearing for Monday, December 5, 2022 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was referral from Town Board to review amendment to Chapter 525-114 (A) and (B) Outside storage of certain vehicles, equipment, or materials.

Code Officer Pete Rocchi explained the proposed amendments to §525-114. It would address an issue where we have vehicles which have been wrecked or otherwise damaged to the point where they cannot pass NYS inspection. Examples are vehicles that have been used for demolition derbies, are being prepared for demolition derbies, have been wrecked in an automobile accident or fire, do not run due to a blown engine or transmission, or many other causes. The current §525-114 allows them to remain on a property for 15 days.

In the case of demolition derby cars, vehicles are stripped of interior seats, etc., at a residential property, then wrecked at the demolition derby. The vehicles are then often brought back to the property, where they remain until we issue a "Notice of Violation/Order the Remedy," after which we have to wait 15 days before further action can be taken. Often the cycle of 'strip the car, wreck the car, bring the car back' continues for months, 15 days at a time, during which the other residents have to deal with it.

In other instances, vehicles are beyond repair or uninspectable due to any number of factors, yet they remain on the property for an extended period of time. This amendment would require that such vehicles be removed to a facility or property that has been approved for such use.

**Proposed amendment to 525-114**

**Stricken Language in ~~strikeout~~**

**New Language in italics**

**Current section "B" renumbered to (B)(1), new section (B)(2) added.**

**§ 525-114 Outside storage of certain vehicles, equipment or materials.**

**A. Storage in front or side yards.**

**(1)** No ~~required~~ front yard or side yard in any district shall be used for the storage of any vehicles or for the storage of any parts or equipment for making repairs to any kind of vehicles.

**(2)** No ~~required~~ front yard setback or side yard setback in any district shall be used for the storage of any travel trailers, recreational vehicles, boats or boat trailers or snowmobiles, ATVs and associated trailers.

**(3)** All vehicle storage shall be within existing driveways and shall be in compliance with clear vision requirements at all times.

**B.** Storage of unregistered and unlicensed motor vehicles and/or parts.

(1) In any district, there shall be no outside storage of any unregistered, unlicensed or uninspected motor vehicles for a time period longer than 15 days in any calendar year.

(2) *In any district, except at a vehicle repair shop or vehicle salvage yard operated in compliance with §525 Attachment 1, the Use Regulation Table, there shall be no outside storage of any vehicle which due to a motor vehicle accident, motor vehicle fire, intentional damage, mechanical failure, or any other factor is not operable or could not pass New York State inspection.*

**C.** Outside storage of materials in the CN, CR and I Districts. Items and material for sale or used in fabrication/processing on any site in the CN, CR and I Districts shall be stored within a secure fence that effectively screens such material from the adjoining public roads and any residential uses.

**D.** Storage of recreational vehicles. In any district, there shall be no outside storage of recreational vehicles, travel trailers, or campers for a time period longer than 15 days in any calendar year except:

**(1)** The storage of recreational vehicles, travel trailers, or camping vehicles that are currently registered and inspected for highway use in New York State; or

**(2)** Side-in truck campers that are maintained in a roadworthy condition and are stored in a safe manner in a level and upright position; or

**(3)** Recreational vehicles, travel trailers, or camping vehicles that are seasonally used recreational vehicles as defined by Article II, § 525-5; and

**(4)** The recreational vehicle is owned by the occupant of the property.

**E.** Storage of boats and other watercraft. In any district, there shall be no outside storage of boats, vessels, or personal watercraft for a period longer than 15 days in any calendar year except as an accessory use where:

**(1)** A trailerable boat, vessel, or personal watercraft is on a suitable trailer that is currently registered and inspected for highway use in New York State; or

**(2)** A trailerable boat, vessel, or personal watercraft is on a suitable trailer, and the trailer is in a roadworthy condition, and the boat, vessel, or personal watercraft is in a seaworthy condition; and

**(3)** The trailerable boat, vessel, or personal watercraft is owned by the occupant of the property.

Board Member French made a motion to recommend that the Town Board accept the amendments to Chapter 525-114 as proposed; Board Member Dygert seconded the motion. All were in favor.

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

**NOES: None**

**ABSENT: Berman, Parsons**

**MOTION CARRIED.**

Next on the agenda was referral from Town Board to review amendment to Chapter 497-12 (B) and (C) Prohibited vehicles; exemptions.

Code Officer Peter Rocchi explained the proposed amendments to §497-12. It would address an issue where we have no specific language to deal with semi-trailers and other similar heavy-duty vehicles which are and remain parked, usually on private property, within the Town. These vehicles are often used for short- or long-term storage, and in rare occasions the owner of the property intends to use the trailer as a workshop, or even for living quarters. These uses are not compatible with most Use Regulation Table uses, especially in a residential zone.

Section “D” would provide exceptions for specific vehicles, as it does under the current code. These exceptions allow for deliveries, emergency vehicles, construction, etc., in a reasonable manner.

**Proposed amendment:**

**New Language in italics; current section “B” changed to “C”; current section “C” changed to section “D”**

**§497-12 PROHIBITED VEHICLES; EXEMPTIONS**

**A.** No motor vehicle, including vans, trucks, tractors, tractor-trailers, having a total weight in excess of 10,000 pounds (GVWR), shall travel or operate on any Town road in Residential 1, Residential 2, Residential 3, Commercial Neighborhood, Commercial Regional, and Industrial Zones.

***B.*** *No motor vehicle, including vans, trucks, tractors, tractor-trailers, having a total weight in excess of 10,000 pounds (GVWR), shall be parked on any public roadway or on private property for more than one hour in any zone.*

**C.** No motor vehicle, including vans, trucks, tractors, tractor-trailers, having a weight in excess of 30,000 pounds (GVWR), shall travel or operate on any Town road in the AR Zone.

**D.** The following vehicles are exempt:

- (1)** Municipal.
- (2)** Emergency.
- (3)** Local deliveries that are performing a delivery.
- (4)** Construction deliveries for a legitimate job.

- (5) Vehicles owned by residents residing in the district used to travel to and from their property.
- (6) Recreational vehicles, as long as they are in transit or parked off street and not obstructing the view of traffic entering or exiting a Town road.
- (7) The designated operator of a semi-tractor trailer may park the truck tractor on the premises as long as it does not obstruct the view of oncoming traffic, is not parked in the Town right-of-way, and remains parked when not in transit to work.
- (8) Construction trailers only for the duration of a construction project

Board Member Dygert made a motion to recommend that the Town Board accept the amendments to Chapter 497-12 as proposed; Board Member French seconded the motion. All were in favor.

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

No other business to come before the Board. Board Member Hastings made a motion to adjourn the meeting; Board Member Dygert seconded the motion. All were in favor. The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney