

June 14, 2022

Regular Meeting

Minutes of a Regular Meeting of the Town Board of the Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue on June 14, 2022.

Members Present: Supervisor Joseph Roman, Council Members Glenn Gunderman, Daniel Hurley, Dan Williams

Council Member Absent: Timothy Steed

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer Peter Rocchi, Deputy Supervisor Kathleen Szerszen, Deputy Town Clerk Marianne Schrom

The meeting was called to order by Supervisor Joseph Roman at 7:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Joseph Roman

PUBLIC HEARING 7:01 P.M. – regarding proposed Local Law No. 2 of 2022, to amend zoning map, Chapter 525, Article III, Section 525-9, for parcel located at 431 Laurentian Place (Tax Map #100.17-3-18.1) to Residential.

Supervisor Roman read the notice that appeared in the Elmira Star-Gazette. Code Enforcement Officer Peter Rocchi gave a summary of the Local Law. The public hearing was then opened for public comment at 7:04 p.m.

No one wished to speak, therefore the public hearing was closed at 7:04 p.m.

RESOLUTION NO. 86-2022

LOCAL LAW NO. 2 OF 2022

LOCAL LAW NO. 2 OF 2022 TO AMEND ZONING MAP, CHAPTER 525, ARTICLE III, SECTION 525-9, FOR PARCEL LOCATED AT 431 LAURENTIAN PLACE (TAX MAP#100.17-3-18.1) TO RESIDENTIAL.

Resolution by: Gunderman
Seconded by: Williams

WHEREAS, the Town of Southport wishes to amend the Zoning Map, Chapter 525, Article III, Section 525-9, to allow for a change to from Agricultural Residential (AR) to Residential (R1) for the parcel located at 431 Laurentian Place (tax map # 100.17-3-18.1) since this parcel is adjacent to the R1 zoning district and such change in zoning benefits and addresses the needs of the changing residential community and provides consistency with the comprehensive plan and further will allow for the parcel to be subdivided and meet the R1 Bulk and Density Control Schedule requirements; and

WHEREAS, the Town of Southport Planning Board and the Chemung County Planning Board have approved this proposed amendment to the zoning law; and

WHEREAS, that this Local Law No.2 of 2022 to Amend Zoning Map, Chapter 525, Article III, Section 525-9, For Parcel Located at 431 Laurentian Place (Tax Map # 100.17-3-18.1) to Residential and as further depicted on the attached map thereof in its final form having been upon the desks of members of the Town Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on June 14, 2022 before the Town Board upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts Local Law No.2 of 2022 to Amend Zoning Map, Chapter 525, Article III, Section 525-9, For Parcel Located at 431 Laurentian Place (Tax Map # 100.17-3-18.1) to Residential, as further depicted on the attached map, and is hereby enacted to wit:

LOCAL LAW NO. 2 OF 2022

LOCAL LAW NO. 2 OF 2022 TO AMEND ZONING MAP, CHAPTER 525, ARTICLE III, SECTION 525-9, FOR PARCEL LOCATED AT 431 LAURENTIAN PLACE (TAX MAP#100.17-3-18.1) TO RESIDENTIAL.

Section 1.

Chapter 525, Article III, Section 525-9 Zoning Map is hereby amended to the change zoning district designation for the parcel as further described in the survey map dated December 7, 2021 for Travis McDonald, as attached hereto, referenced as Parcel A on attached map located at 431 Laurentian Place, Elmira, New York 14904 (tax map # 100.17-3-18.1) from Agricultural Residential (AR) to Residential (R1) to benefit and address the changing needs of the residential community and provide consistency with the comprehensive plan.

Section 2. Inconsistent Zoning Ordinances.

All zoning laws inconsistent with any provision or provisions of this law are hereby repealed.

Section 3. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4. Authority

This local law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10 and Town Law.

Section 5: Effective Date.

This Local Law shall take effect immediately upon adoption and publication according to law.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

7:05 p.m. – Discussion of 2021 Audit

Mr. Patrick Jordan, CPA, Partner of Insero & Co., CPA presented the 2021 audit reports. The discussion focused on comparisons to the previous four years. Changes were primarily attributable to results of operations as well as depreciation expense and new debt. Mr. Jordan offered suggestions to consider when developing budgets for future years.

Jessica Verrigni, from the Chemung County Stormwater Coalition gave a presentation regarding the MS4 Stormwater Program that the Town participates in. She gave a detailed presentation regarding all of the services they offer the Town and all the projects they have assisted the Town with over the past five years.

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 2,053.64
Funds Turned to State and County Agencies	\$ 1,019.36
Fitzsimmons Lot Sales	<u>\$ 550.00</u>
	\$ 3,623.00

Code Enforcement Office

Fees Collected	Building Permit Fees	\$ 1,858.00
	Building Permit Values	\$ 387,600.00
	Operating Permit Fees	\$ 300.00
	Site Plan Fees	\$ 75.00
	Variance Fees	\$ 75.00

City of Elmira Animal Control
Justice Office
Recreation/Aging/Youth Services
Residential Deputy
Supervisor's Report

Council Member Gunderman made a motion, Council Member Hurley seconded to accept the monthly reports as filed.

Council Member Gunderman made a motion, Council Member Williams seconded to accept the minutes from May 10, 2022 Special Meeting and May 10, 2022 Regular Meeting.

There was no Correspondence received.

Under Taxpayer's Comments, Agenda and Discussion items only, no one wished to speak.

RESOLUTION NO. 87-2022

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of June 2022, No. 252 through No. 345, not to exceed \$114,688.28 has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 88-2022

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Gunderman
Seconded by: Williams

RESOLVED, that the Abstract of General Fund claims submitted by the Town Clerk for the month of June 2022, No. 103 through No. 124, not to exceed \$60,491.27, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 89-2022

APPROVING ABSTRACT OF LIGHT FUND CLAIMS AND FIRE FUND CLAIM

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Abstract of Light Fund Claims submitted by the Town Clerk for the month of June 2022, No. 4 & 5, not to exceed \$20,151.42 and Fire Fund Claim No. 9, not to exceed \$6,812.62, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 90-2022

AUTHORIZING SUPERVISOR TO ENTER INTO A LAND USE AGREEMENT WITH PENNSYLVANIA AVENUE UNITED METHODIST CHURCH

Resolution by: Williams
Seconded by: Hurley

WHEREAS, the Supervisor and Recreation Department have requested that the Town enter into an agreement with the Pennsylvania Avenue United Methodist Church to use a portion of their property as playing fields.

RESOLVED, that the Town Board of the Town of Southport in regular session duly convened, authorizes the Town Supervisor to enter into an Agreement with Pennsylvania Avenue United Methodist Church to use the rear portion of the church's property for playing fields and a parking area to be used in connection with the playing fields.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 91-2022

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH SOUTHPORT HISTORICAL SOCIETY

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town is the owner of real property commonly known as 1139 Pennsylvania Avenue, and

WHEREAS, the Southport Historical Society has expressed an interest in leasing the property at 1135 Pennsylvania Avenue for the purposes of the display of historical artefacts and offices, and

WHEREAS, the Town and Southport Historical Society has negotiated an agreement whereby the Town would lease the property at 1135 Pennsylvania Avenue to the Southport Historical Society.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Supervisor to enter into an agreement with Southport Historical Society to lease the house owned by the Town at 1135 Pennsylvania Avenue for a term of up to 5 years for the purposes of the display of historical artifacts and offices.

RESOLVED, that the terms and conditions of this agreement be subject to the review and approval of the Town Attorney.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 92-2022

AUTHORIZING SUPERVISOR TO ADVERTISE FOR BIDS FOR HVAC SYSTEM UPGRADE AT TOWN HALL

Resolution by: Hurley
Seconded by: Gunderman

RESOLVED, that the Supervisor be and he hereby is authorized to advertise for bids for the HVAC system upgrade at Town Hall, and be it further

RESOLVED, that such sealed bids shall be opened and read by this Town on July 13, 2022 at 2:00 p.m.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 93-2022

SETTING SPECIAL MEETING

Resolution by: Gunderman
Seconded by: Williams

RESOLVED, that the Town Board of the Town of Southport will hold a special meeting to review bids for the HVAC system upgrade at Town Hall, on July 19, 2022 at 7:00 p.m., at the Town Hall, 1139 Pennsylvania Avenue, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to make proper publication and posting as required by law.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 94-2022

APPOINTING TEMPORARY PART-TIME SUMMER RECREATION SUPERVISORS
AND RECREATION LEADERS

Resolution by: Hurley
Seconded by: Gunderman

WHEREAS, the Director of Recreation of the Town of Southport has recommended that the Town employ part-time temporary summer Recreation Leaders,

NOW THEREFORE BE IT RESOLVED, that the Town of Southport does hereby appoint the following individuals as part-time temporary Recreation Leaders, those individuals to be paid as any other Town employee pursuant to the following schedule:

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>	<u>EFFECTIVE DATES</u>
Barr, Alexandra	Site Coordinator	\$16.20 pr/hr	6/27/22-8/12/22
Barr, Caroline	Recreation Leader	\$14.45 pr/hr	6/27/22-8/12/22
Clark, Karissa	Site Coordinator	\$15.70 pr/hr	6/27/22-8/12/22
Gensel, James Mathew	Recreation Leader	\$14.20 pr/hr	6/27/22-8/12/22
Hassen, Kory	Recreation Leader	\$14.45 pr/hr	6/27/22-8/12/22
Moshier, Maxwell	Recreation Leader	\$14.45 pr/hr	6/27/22-8/12/22
Nelan, Dominick	Recreation Leader	\$14.45 pr/hr	6/27/22-8/12/22
Nelan, Lidia	Site Coordinator	\$15.00 pr/hr	6/27/22-8/12/22

Nelan, Nathan	Recreation Leader	\$14.45 pr/hr	6/27/22-8/12/22
Pfuntner, Kaelin	Recreation Leader	\$14.20 pr/hr	6/27/22-8/12/22
Renko, Julie	Recreation Supervisor	\$20.20 pr/hr	6/27/22-8/12/22
Ripley, Chase	Recreation Leader	\$14.45 pr/hr	6/27/22-8/12/22
Sherman, Colin	Recreation Leader	\$14.45 pr/hr	6/27/22-8/12/22

and be it further

RESOLVED, that except for New York State retirement benefits, the aforementioned individuals shall not be entitled to any benefits as a result of their employment by the Town of Southport, including but not limited to health insurance, and be it further

RESOLVED, that the aforementioned individuals shall not commence their employment with the Town of Southport until such time as they shall have filed with the Town Clerk their appropriate Oath of Office as required by law.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 95-2022

RATIFYING AUTHORIZING SUPERVISOR TO SIGN ENGAGEMENT LETTER OF HARRIS BEACH, ATTORNEY'S
AT LAW FOR CIVIL ACTION AGAINST THE TOWN

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Supervisor is authorized to sign the Engagement Letter of Harris Beach, Attorney's at Law, who will serve as legal counsel for the Town of Southport for civil action against the Town.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 96-2022

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CHEMUNG COUNTY FOR ROAD USE, REPAIR AND IMPROVEMENTS RELATED TO THE MILTON STREET WASTEWATER TREATMENT PLANT

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the County of Chemung intends to undertake sewer consolidation construction activities relating to improvements to the Lake Street Wastewater Treatment Plant (WWTP) and to the Milton Street WWTP in connection with a master consolidation plan for treatment of wastewater, and

WHEREAS, in connection with these construction activities as referenced herein, the County of Chemung will require trucks in excess of the town's legal weight limit along with other related vehicles to travel on Milton Street located within the Town of Southport, and

WHEREAS, the Town of Southport and the County of Chemung wish to enter into an agreement whereby the Town authorizes the travel of these construction vehicles in excess of the weight limit set forth in the Town of Southport Code and the County of Chemung agrees to repair any and all damage to Milton Street which occurs during and related to these construction activities, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport, County of Chemung, State of New York hereby authorizes the Town Supervisor to execute the Memorandum of Agreement for Road Use, Repair, and Improvements with the County of Chemung whereby such agreement provides for the County to repair any damage or perform any upgrades required to Milton Street in the town of Southport which occurs during the construction activity related to improvements to the Lake Street Wastewater Treatment Plant and the Milton Street Wastewater Treatment Plant, and

BE IT FURTHER RESOLVED that the Town of Southport, County of Chemung, State of New York, as set forth in the Memorandum of Agreement for Road Use, Repair, and Improvements, hereby waives the weight limit restriction on Milton Street imposed by the town of Southport Code as set forth in Chapter 497, Article IV for vehicles in excess of ten thousand pounds (10,000) associated with the construction activities related to the project as further described in said Memorandum.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 97-2022

SETTING PUBLIC HEARING FOR LOCAL LAW NO. 3 OF 2022 TO AMEND CHAPTER 464 SUBDIVISION OF LAND, ARTICLE I, SECTION 464-8 RESUBDIVISION AND REFERRAL TO CHEMUNG COUNTY PLANNING BOARD

Resolution by: Gunderman
Seconded by: Williams

WHEREAS, upon the recommendation of the Town of Southport Planning Board, the Town of Southport Town Board wishes to amend Chapter 464 Subdivision of Land, Article I, Section 464-8 Resubdivision to simplify the process for alterations of lot lines by allowing, ~~the Town of Southport wishes to amend this code to allow the~~ Town of Southport Planning Board discretion to waive certain subdivision procedures related to the site plan process; and

~~WHEREAS, the Town of Southport wishes to amend Chapter 464 Subdivision of Land, Article I, Section 464-8 Resubdivision; and~~

~~NOW, THEREFORE, BE IT RESOLVED, NOW THEREFORE BE IT RESOLVED, that~~ by the Town Board of the Town of Southport, County of Chemung, State of New York hereby refers the that said proposed Local Law No. 3 of 2022 to Amend Chapter 464 Subdivision of Land, Article I, Section 464-8 Resubdivision amendments as set forth below to Chapter 464 Subdivision of Land, Article I, Section 464-8 Resubdivision ~~are hereby proposed and referred~~ to the Chemung County Planning Board and schedules this local law ~~d~~ for a public hearing on July 12, 2022 at 7:00 p.m. or as soon thereafter as it can be heard.

PROPOSED

LOCAL LAW NO. 3 OF 2022 TO AMEND CHAPTER 464 SUBDIVISION OF LAND, ARTICLE I, SECTION 464-8 RESUBDIVISION

Section 1. Chapter 464 Subdivision of Land, Article I, Section 464-8 Resubdivision is hereby amended to read as follows:

Chapter 464. Subdivision of Land
Article I. General Provisions
§ 464-8. Resubdivision.

If the proposed subdivision consists solely of the simple alterations of lot lines, **and it meets the current §525-24 Bulk and Density Control Schedule**, then normal subdivision procedures may be waived at the discretion of the Planning Board, **or duly authorized representative**. Such subdivision shall be deemed a resubdivision. If normal subdivision procedures are not waived, then such resubdivision shall be deemed to be a major or minor subdivision at the discretion of the Planning Board, ~~of~~ **or** a duly authorized representative, in which case the appropriate procedure set forth in this chapter shall apply.

Section 2. Inconsistent Zoning Ordinances.

All zoning laws inconsistent with any provision or provisions of this law are hereby repealed.

Section 3. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4. Authority

This local law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10 and Town Law.

Section 5. Effective Date.

This Local Law shall take effect immediately upon adoption and publication according to law.

AYES: Gunderman, Hurley, Williams, Roman

NOES: None

ABSENT: Steed

CARRIED.

RESOLUTION NO. 98-2022

SETTING PUBLIC HEARING FOR LOCAL LAW NO. 4 OF 2022 TO AMEND CHAPTER 525-16 COMMERCIAL NEIGHBORHOOD (CN) INTENT AND ATTACHMENT 4 AND REFERRAL TO CHEMUNG COUNTY PLANNING BOARD

Resolution by: Gunderman

Seconded by: Hurley

WHEREAS, upon the recommendation of the Town of Southport Planning Board, the Town of Southport Town Board wishes to amend Town of Southport Chapter 525-16 Commercial Neighborhood (CN) intent, Chapter 525-17 Commercial Regional (CR) intent, the Bulk and Density Control Schedule and remove the Form- based regulations because the zoning regulations and districts identified on the Zoning Map of the Town of Southport are made to encourage the most appropriate use of land in the community in order to conserve the value of property. Zoning has been made with reasonable consideration for the character of each district and a district's suitability for particular uses and, with a view to conserving the value of the property, to encourage the most appropriate use of the land throughout the Town; and

WHEREAS, Form-based regulations work well in a downtown setting, it does not work well in the Town of Southport where there is a mixture of residential homes and businesses since the Town has vacant lots in commercial districts that cannot be developed without multiple variances; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby refers the proposed Local Law No. 4 of 2022 to Amend Chapter 525-16 Commercial Neighborhood (CN) Intent and Attachment 4 to the Chemung County Planning Board and schedules this local law for a public hearing on July 12, 2022 at 7:00 p.m. or as soon thereafter as it can be heard.

PROPOSED

LOCAL LAW NO. 4 OF 2022 TO AMEND CHAPTER 525-16 COMMERCIAL NEIGHBORHOOD (CN) INTENT AND ATTACHMENT 4

Section 1. Chapter 525-16 Commercial Neighborhood (CN) Intent is hereby amended to read as follows:

§ 525-16 Commercial Neighborhood (CN) intent.

This district delineates areas with a mixture of residential and commercial urban fabric, with a range of building types that accommodate a variety of uses, including retail, offices, some single-family and multiunit dwellings, including apartments above shops. Commercial buildings complement the character of residential buildings, and existing houses may accommodate commercial uses. Buildings are placed consistent with the existing established setbacks.

~~**CN — Commercial Neighborhood** Commercial Neighborhood Zone consists of residential and commercial urban fabric, with a range of building types that accommodate a variety of uses, including retail, offices, some single-family and multifamily dwellings, including row houses and apartments above shops. Commercial buildings complement the character of residential buildings, and existing houses may accommodate commercial uses. Buildings are placed close to sidewalks. Streets have steady street tree planting.~~

~~**General character**~~

~~Shops mixed with residences (including single-family, multifamily dwellings and apartments above shops), offices and civic buildings; trees located within the public right-of-way; substantial pedestrian activity~~

~~Building placement~~

~~Shallow setbacks, buildings placed close to the street with parking behind, defining a street wall~~

~~**Frontage types**~~

~~Common lawn~~

~~Porch and fence~~

~~Terrace or lightwell~~

~~Forecourt~~

~~**Typical building height**~~

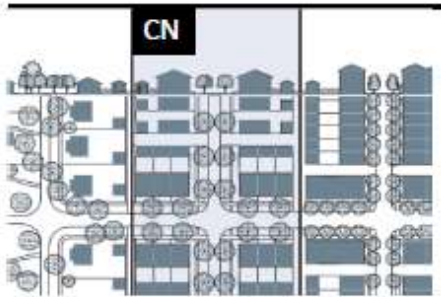
~~1 to 2 stories, with variation~~

~~**Type of civic space**~~

~~Median landscaping, parks, plazas and squares~~

Section 2. Chapter 525-Attachment 4 -Commercial Neighborhood (CN) is hereby repealed in its entirety.

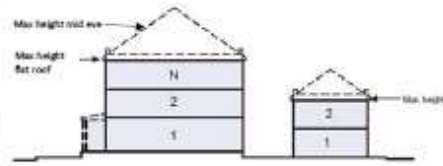
COMMERCIAL NEIGHBORHOOD (CN)



(See Table 1)

BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories excluding Attics.
2. Stories may not exceed 12 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 feet.
3. Height: see building height definition.



BUILDING CONFIGURATION

Principal Building	35' max, 2 stories max.
Accessory	2 stories max.

LOT OCCUPATION

Lot Width	50 ft. min.
Lot Coverage	65% max.

SETBACKS - PRINCIPAL BUILDING

(g.1) Front Setback Principal	25 ft. min.
(g.2) Front Setback Secondary	25 ft. min.
(g.3) Side Setback	0 ft. min.
(g.4) Rear Setback	10 ft. min.

SETBACKS - ACCESSORY

(h.1) Front Setback Principal	20 ft. min. + bldg. setback
(h.2) Front Setback Secondary	5 ft. min. or 3 ft. at corner
(h.3) Side Setback	5 ft. min.

PRIVATE FRONTAGES (See Table 3)

Common Lawn	permitted
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Sloop	not permitted
Shopfront & Awning	not permitted
Gallery	not permitted
Arcade	permitted

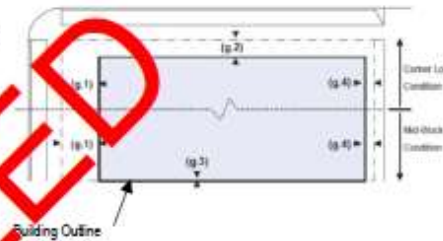
PARKING PROVISIONS

(See §§ 525-71 through 525-88 for parking and off-street loading requirements)

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

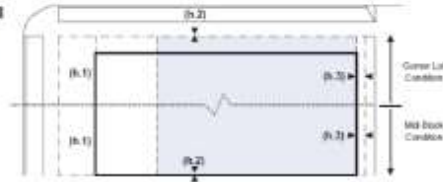
SETBACKS - PRINCIPAL BLDG.

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



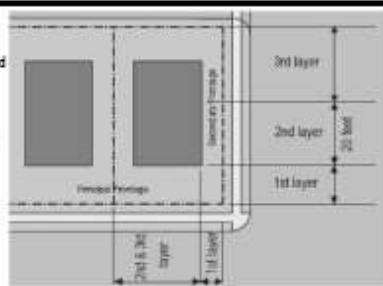
SETBACKS - ACCESSORY BUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the second and third Layer.
2. Covered parking shall be provided within the third Layer.
3. Trash containers shall be stored within the third Layer.



Section 3. Inconsistent Zoning Ordinances.

All zoning laws inconsistent with any provision or provisions of this law are hereby repealed.

Section 4. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 5. Authority

This local law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10 and Town Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon adoption and publication according to law.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 99-2022

SETTING PUBLIC HEARING FOR LOCAL LAW NO.5 OF 2022 TO AMEND CHAPTER 525-17 COMMERCIAL REGIONAL (CR) INTENT AND ATTACHMENT 3 AND REFERRAL TO CHEMUNG COUNTY PLANNING BOARD

Resolution by: Williams
Seconded by: Gunderman

WHEREAS, upon the recommendation of the Town of Southport Planning Board, the Town of Southport Town Board wishes to amend Town of Southport Code Chapter 525-16 Commercial Neighborhood (CN) intent, Chapter 525-17 Commercial Regional (CR) intent, the Bulk and Density Control Schedule and remove the Form-based regulations because the zoning regulations and districts identified on the Zoning Map of the Town of Southport are made to encourage the most appropriate use of land in the community in order to conserve the value of property. Zoning has been made with reasonable consideration for the character of each district and a district's suitability for particular uses and, with a view to conserving the value of the property, to encourage the most appropriate use of the land throughout the Town; and

WHEREAS, Form-based regulations work well in a downtown setting, it does not work well in the Town of Southport where there is a mixture of residential homes and businesses since the Town has vacant lots in commercial districts that cannot be developed without multiple variances; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby refers the proposed Local Law No. 5 of 2022 to Amend Chapter 525-17 Commercial Regional (CR) Intent and Attachment 3 to the Chemung County Planning Board and schedules this local law for a public hearing on July 12, 2022 at 7:00 p.m. or as soon thereafter as it can be heard.

PROPOSED

LOCAL LAW NO. 5 OF 2022 TO AMEND CHAPTER 525-17 COMMERCIAL REGIONAL (CR) INTENT AND ATTACHMENT 3

Section 1. Chapter 525-17 Commercial Regional (CR) Intent is hereby amended to read as follows:

§ 525-17 Commercial Regional (CR) intent.

This district delineates areas that consists of moderate-density buildings that accommodate the greatest variety of uses of regional importance. Buildings accommodate primarily commercial, uses, including retail, offices, and semi-industrial uses in designated areas. Mixed-use buildings may include dwellings. Buildings are placed consistent with the existing established setbacks.

~~**CR— Commercial Regional** Commercial Regional Zone consists of moderate density buildings that accommodate the greatest variety of uses of regional importance. Buildings accommodate primarily commercial uses, including retail, offices, and semi industrial uses in designated areas. Mixed use buildings may include dwellings. Setbacks and landscaping are variable. Streets feature curbs and sidewalks.~~

~~**General character** Medium density mixed use buildings, shops, offices and semi industrial commercial buildings in designated areas close to major roads. Entertainment, civic and cultural uses. Some apartments in mixed use buildings. Buildings are set back slightly from the street. Accommodates vehicles as well as pedestrian access.~~

~~**Building placement** Shallow setbacks, buildings placed close to the street with parking behind, defining a street wall where possible. Side yards create buffers in semi industrial areas.~~

Frontage types

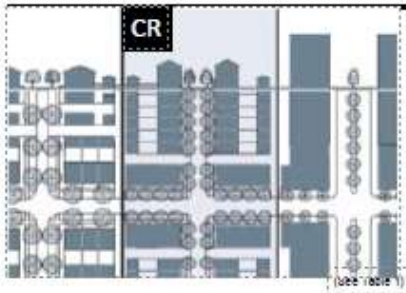
Porch and fence
Terrace or lightwell
Forecourt
Stoop
Shopfront and awning
Gallery Arcade

~~**Typical building height** 1 to 2 stories, with variation~~

~~**Type of civic space** Median landscaping, parks, greens and plazas~~

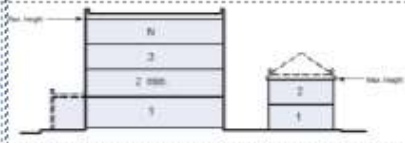
Section 2. Chapter 525 Attachment 3 – Commercial Regional (CR) intent is hereby repealed in its entirety.

COMMERCIAL REGIONAL - CR



BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories excluding Attics.
2. Stories may not exceed 14 feet in height from finished floor to finished floor, except for a first floor with a maximum of 11 ft and a minimum of 25 ft.
3. Height: See building height definition.

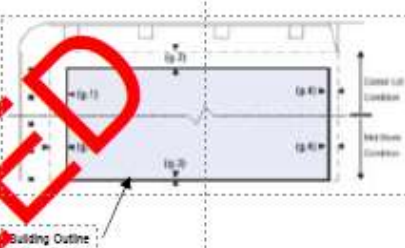


BUILDING CONFIGURATION	
Principal Building Height and Stories	45' max, 4 stories max.
Accessory Building	2 stories max.
LOT OCCUPATION	
Lot Width	20 ft. min.
Lot Coverage	100% max.
SETBACKS - PRINCIPAL BUILDING	
(g.1) Front Setback Principal	2 ft. min., 12 ft. max.
(g.2) Front Setback Secondary	2 ft. min., 12 ft. max.
(g.3) Side Setback	0 ft. min., 24 ft. max.
(g.4) Rear Setback	3 ft. min.
Frontage Bulkout	30% min. at setback
SETBACKS - ACCESSORY	
(h.1) Front Setback Principal	40 ft. max. from rear prop.
(h.2) Front Setback Secondary	5 ft. min.
(h.3) Side Setback	5 ft. max.
PRIVATE FRONTAGES (See Table 3)	
Common Lawn	not permitted
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	permitted
PARKING PROVISIONS	
(See §§ 525-71 through 525-86 for parking and off-street loading requirements)	

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

SETBACKS - PRINCIPAL BLDG.

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



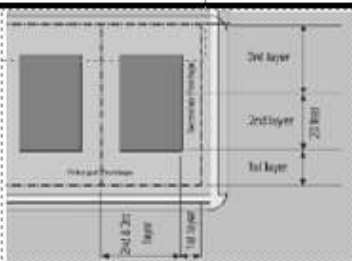
SETBACKS - ACCESSORY BUILDING

1. The Elevations of Accessory shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the second or third Layer as shown.
2. Covered parking shall be provided within the second or third Layer as shown.
3. Trash containers shall be stored within the third Layer.



Section 3. Inconsistent Zoning Ordinances.

All zoning laws inconsistent with any provision or provisions of this law are hereby repealed.

Section 4. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 5. Authority

This local law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10 and Town Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon adoption and publication according to law.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

RESOLUTION NO. 100-2022

SETTING PUBLIC HEARING FOR LOCAL LAW NO. 6 OF 2022 TO AMEND CHAPTER 525 BULK AND DENSITY CONTROL SCHEDULE, ATTACHMENT 2 AND REFERRAL TO CHEMUNG COUNTY PLANNING BOARD

Resolution by: Williams
Seconded by: Hurley

WHEREAS, upon the recommendation of the Town of Southport Planning Board, the Town of Southport Town Board wishes to amend Town of Southport Code Chapter 525-16 Commercial Neighborhood (CN) intent, Chapter 525-17 Commercial Regional (CR) intent, the Bulk and Density Control Schedule and remove the Form-based regulations because the zoning regulations and districts identified on the Zoning Map of the Town of Southport are made to encourage the most appropriate use of land in the community in order to conserve the value of property. Zoning has been made with reasonable consideration for the character of each district and a district's suitability for particular uses and, with a view to conserving the value of the property, to encourage the most appropriate use of the land throughout the Town; and

WHEREAS, Form-based regulations work well in a downtown setting, it does not work well in the Town of Southport where there is a mixture of residential homes and businesses since the Town has vacant lots in commercial districts that cannot be developed without multiple variances; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby refers the proposed Local Law No. 6 of 2022 to Amend Chapter 525, Bulk and Density Control Schedule, Attachment 2 to the Chemung County Planning Board and schedules this local law for a public hearing on July 12, 2022 at 7:00 p.m. or as soon thereafter as it can be heard.

PROPOSED
LOCAL LAW NO. 6 OF 2022 TO AMEND CHAPTER 525 BULK AND DENSITY CONTROL SCHEDULE,
ATTACHMENT 2

Section 1. Chapter 525, Bulk and Density Control Schedule, Attachment 2, is hereby amended to read as follows:

ZONING
525 Attachment 2
Town of Southport
Bulk and Density Control Schedule

District	Minimum Lot Area Per Principal Use	Minimum Lot Width (foot)	Minimum Yard Requirements (Setbacks)			Maximum Lot Coverage (%)	Maximum Building Height		Minimum overall exterior dimensions
			Front (feet)	Side (feet)	Rear (feet)		Feet	Feet	
AR	3 acres	150	40	20	40	15	35	20	
R1	15000 sf	100	40	15	25	50	35	20	
R2	7,500 sf	75	20	10/5	20	60	35	20	
R3	5,000 sf	50	15	10/5	20	70	35	20	
CN	5000 sf	50	15	5	20	70	35	20	
CR	10,000 sf	Per site plan review				70	35	20	
1	Per site plan review				70			20	
C	Per site plan review								

Notes:

1. “Overall exterior dimension” shall mean overall exterior linear length and width of a structure which shall in no instance be less than 20 feet each.
2. The Chemung County Health Department may require new development using on-lot sewage disposal systems to have larger than the minimum lot sizes stated herein.
 1. See also 525.34 and Article X for additional bulk and density and/or development requirements.

Section 2. Chapter 525 Attachment 2 – Bulk and Density Control Schedule is hereby repealed in its entirety.

ZONING

525 Attachment 2

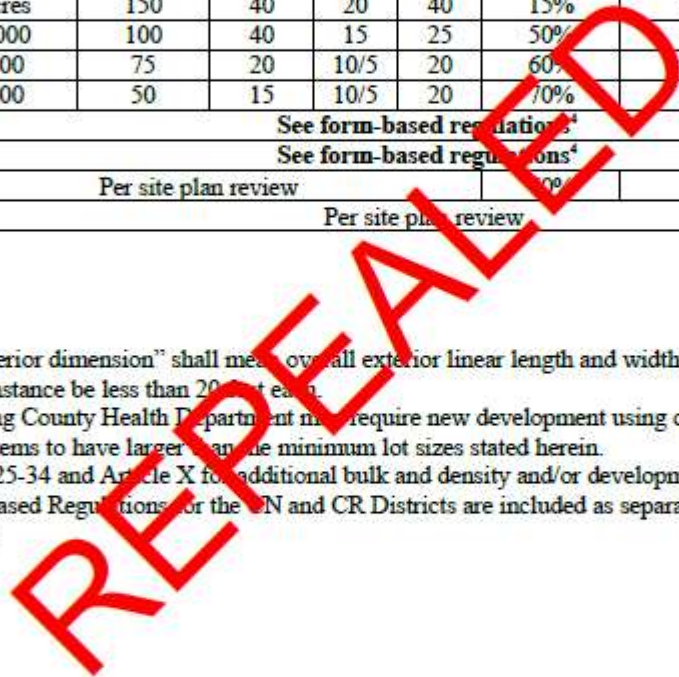
Town of Southport

Bulk and Density Control Schedule³

District	Minimum Lot Area Per Principal Use ² (square feet)	Minimum Lot Width (feet)	Minimum Yard Requirements (Setbacks)			Maximum Lot Coverage (%)	Maximum Building Height (feet)	Minimum Overall Exterior Dimensions ¹ (feet)
			Front (feet)	Side (feet)	Rear (feet)			
AR	3 acres	150	40	20	40	15%	35	20
R1	15,000	100	40	15	25	50%	35	20
R2	7,500	75	20	10/5	20	60%	35	20
R3	5,000	50	15	10/5	20	70%	35	20
CN	See form-based regulations ⁴							
CR	See form-based regulations ⁴							
I	Per site plan review					0%		20
C	Per site plan review							

Notes:

1. "Overall exterior dimension" shall mean overall exterior linear length and width of a structure which shall in no instance be less than 20 feet each.
2. The Chemung County Health Department may require new development using on-lot sewage disposal systems to have larger than the minimum lot sizes stated herein.
3. See also § 525-34 and Article X for additional bulk and density and/or development requirements.
4. The Form-Based Regulations for the CN and CR Districts are included as separate attachments to this chapter.



Section 3. Inconsistent Zoning Ordinances.

All zoning laws inconsistent with any provision or provisions of this law are hereby repealed.

Section 4. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 5. Authority

This local law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10 and Town Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon adoption and publication according to law.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

Next under Discussion was recommendation from Town of Southport Planning Board. After being reviewed by the Town Attorney, it was recommended to not amend Chapter 525-94 sign requirements to include “business use”.

Next was recommendation from Town of Southport Planning Board. After being reviewed by the Town Attorney, the Planning Board recommends that the Town Board does not amend Chapter 525-120 (N)(4)(e) Alternative dwelling parks.

RESOLUTION NO. 101-2022

INTERMUNICIPAL AGREEMENT WITH CHEMUNG COUNTY PLANNING BOARD

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, upon the recommendation of the Town Planning Board, the Town of Southport Town Board wishes to amend the agreement with the Chemung County Planning Board in regard to referrals in accordance with General Municipal Law Section 239-m to forgo County Planning review for certain matters that impact the Town rather than other communities; and

WHEREAS, this amendment would reduce the time for review of certain matters and provide a benefit to residents and members of the business community;

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to request that Chemung County Planning Board amend the current agreement between the Town of Southport and Chemung County Planning Board to eliminate the following matters from the referral and review by the Chemung County Planning Board:

1. Site plan approval for a change in tenant and/or use where no modifications are proposed to the existing building footprint which would result in an expansion of greater than 10 percent of the total building area, or alter the existing highway access, stormwater drainage plan, or traffic pattern.
2. Residential area variances involving building setbacks which do not encroach upon State or County highway rights-of-way, facilities, lands, or drainage ways.
3. Commercial area variances involving building setbacks from adjoining property which is not zoned or utilized as residential, or which do not encroach upon State or County highway rights-of-way, facilities, lands, or drainage ways.
4. Commercial area variances involving building setbacks which encroach upon residential properties and/or zoning districts through a deviation of 25 percent or less from the minimum required setback.
5. Sign variances where the sign is not located along a State or County highway right-of-way or which, if the sign is located along a State or County highway right-of-way, the sign is no closer than 15 feet to the right-of-way and in no way creates a visual hazard.
6. Dimensional variances for fences.
7. Allowable uses as indicated in Town of Southport Municipal Code, Chapter 525, Article IV, Use Districts, which do not require Use Variance, Site Plan Approval or Positive State Environmental Quality Review (SEQR).
8. Activities that, while within 500 feet of a State or County highway, would not modify access to or from the State or County highway.
9. Activities that, while within 500 feet of a municipal boundary, would be permitted within the area of the adjoining municipality abutting the parcel where the activity is proposed.
10. Amendments to a local zoning law or ordinance that are intended to clarify, re-define, expand or modify words and/or terms that do not alter the dimensional or use standards of the regulation.
11. Amendments to a local zoning law or ordinance that are intended to address procedural or administrative matters that do not alter the dimensional or use standards of the regulation.
12. Special Use Permits, Use Variances and Area Variances for residential uses.

13. Renewals or extensions of site plans or special permits that have no changes from previous approvals.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

Also under Discussion was Bicentennial Report, Supervisor Roman gave an update on the events that are happening in the coming months to include the baseball game at Dunn Field on June 17th and the Ice Cream Social on August 13, 2022 at Chapel Park.

Also under Discussion was ARPA funds. Supervisor Roman stated the Board members once again met for a Special Meeting to discuss ways to spend the funds.

Next was Amendments to Open Meetings Law and Videoconferencing. The Board Members had a discussion regarding this and opted out.

Lastly under Discussion was Mt. Zoar area and Fairway-Phoenix Sewer projects. Supervisor Roman gave an update on these projects.

Under Taxpayer's Comments, no one wished to speak.

Council Member Hurley made a motion, Council Member Williams seconded the motion to adjourn into executive session to discuss proposed pending or current litigation.

The meeting was adjourned at 8:35 p.m.

Council Member Steed arrived at the meeting at 8:45 p.m.

The meeting reconvened at 9:12 p. m.

RESOLUTION NO. 102-2022

DIRECTING THAT NO FURTHER FUNDS BE PAID FOR ANY FURTHER CLAIMS OR COSTS INCURRED IN REGARDS TO THE ESTATE OF WILLIAM FREDERICK PEYTON

Resolution by: Hurley
Seconded by: Williams

RESOLVED, that the Town of Southport Town Board hereby directs that no further funds shall be paid for any further claims or costs incurred on or after June 30, 2022 related to the care of the horses that were seized from William Frederick Peyton and further directs that the City of Elmira Animal Shelter to terminate all foster care agreements that were entered into with all individuals who are caring for these said horses on June 30, 2022, and

BE IT FURTHER RESOLVED, that notification of said action described herein shall be sent to relevant parties including the City of Elmira, Cherie Middaugh, Administrator of William Frederick Peyton Estate, and all individuals who have entered into foster care agreements with the City of Elmira Animal Shelter.

AYES: Gunderman, Hurley, Williams, Roman
NOES: None
ABSENT: Steed
CARRIED.

Council Member Gunderman made a motion, Council Member Williams seconded to adjourn the meeting at 9:18 p.m.

Marianne Schrom
Deputy Town Clerk

Carolyn A. Renko
Town Clerk