

August 9, 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 August 9, 2022.

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

Others Present: Attorney Kimberlee Balok-Middaugh, Deputy Supervisor Kathleen Szerszen, Code Enforcement Officer Peter Rocchi, Town Clerk Carolyn Renko, 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 – Supervisor Joseph Roman

PUBLIC HEARING 7:03 P.M. – for the purpose of hearing any and all public comment in connection with a proposed order directing the repair or removal of an unsafe building located at 521 Schuyler Avenue, Tax Map identification No. 100.09-4-36, Town of Southport, County of Chemung, State of New York, pursuant to the provisions of Chapter 234 of the Municipal Code of the Town of Southport.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star-Gazette and opened up the Public Hearing for comment at 7:03 p.m. Code Enforcement Officer Peter Rocchi stated that there has been no action taken on repairs and he hasn't had any contact from anyone regarding the property.

No one wished to speak so the public portion of the public hearing was closed at 7:04 p.m.

RESOLUTION NO. 115-2022

ORDERING DEMOLITION AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING AT 521 SCHUYLER AVENUE

Resolution by: Steed
Seconded by: Gunderman

WHEREAS, the Town of Southport Town Board held a public hearing in accordance to the Town of Southport Town Code Chapter 234, Buildings, Unsafe, Article I, Section 5 for the owner of property located at 521 Schuyler Avenue, Elmira, New York 14904 and such persons having an interest in the property to contest the order of removal of the structure located at 521 Schuyler Avenue, Elmira, New York 14904 on August 9, 2022 at the Town of Southport Town Hall at 7:00 p.m., and

WHEREAS, no one from the public appeared at said hearing and the Town Code Officer provided input in regard to the continued unsafe condition of the structure located at 521 Schuyler Avenue, Elmira, New York 14904; and

NOW THEREFORE BE IT RESOLVED, that after a public hearing held on August 9, 2022 at 7:00 p.m. at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, New York before the Town Board of the Town of Southport, County of Chemung, State of New York in accordance to Town of Southport Town Code Chapter 234, Buildings, Unsafe, Article I, and after due deliberation, the Town of Southport Town Board hereby determines to continue the order declaring the structure on the property located at 521 Schuyler Avenue, Elmira, New York, 14904 to be unsafe to the public and further ordering the owner to commence removal of the structure on or before August 25, 2022 and complete removal as set forth in the Notice to Repair or Demolish, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board hereby orders that if the owner fails to comply with said order contained herein that the Town of Southport Town Board orders the Town Code Officer to arrange to have said structure located at 521 Schuyler Avenue, Elmira, New York 14904 to be secured, demolished, and removed and the related costs, including allowable administrative costs, shall be assessed against the land on which the building is located at the same time and in the same manner as general Town taxes in accordance with Town of Southport Town Code Chapter 234, Article I, Section 8.

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

PUBLIC HEARING 7:08 P.M. – for the purpose of hearing any and all public comment in connection with a proposed order directing the repair or removal of an unsafe building located at 512 Harcourt Drive, Tax Map identification No. 100.09-1-20, Town of Southport, County of Chemung, State of New York, pursuant to the provisions of Chapter 234 of the Municipal Code of the Town of Southport.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star-Gazette and opened up the Public Hearing for comment at 7:08 p.m. Code Enforcement Officer Peter Rocchi stated that Chemung County has foreclosed on this property and that structure continues to be unsafe to the public.

No one wished to speak so the public portion of the public hearing was closed at 7:09 p.m.

After discussion, the Town Board made the decision to not pursue further action for removal due to the change in ownership to Chemung County. This determination will be conveyed to the County, as well as the fact that the property continues to be unsafe to the public.

RESOLUTION NO. 116-2022

NO FURTHER ACTION FOR REMOVAL OF AN UNSAFE BUILDING AT 512 HARCOURT DRIVE DUE TO TRANSFER OF SAID PROPERTY TO THE COUNTY OF CHEMUNG

Resolution by: Williams
Seconded by: Hurley

WHEREAS, the Town of Southport Town Board held a public hearing in accordance to the Town of Southport Town Code Chapter 234, Buildings, Unsafe, Article I, Section 5 for the owner of property located at 512 Harcourt Drive, Elmira, New York 14904 and such persons having an interest in the property to contest the order of removal of the structure located at 512 Harcourt Drive, Elmira, New York 14904 on August 9, 2022 at the Town of Southport Town Hall at 7:00 p.m., and

WHEREAS, no one from the public appeared at said hearing and the Town Code Officer provided input in regard to the continued unsafe condition of the structure located at 512 Harcourt Drive, Elmira, New York 14904 and further input was obtained from the Town Supervisor that the County of Chemung was obtaining ownership of the property through a tax lien foreclosure, and

NOW THEREFORE BE IT RESOLVED, that after a public hearing held on August 9, 2022 at 7:00 p.m. at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, New York before the Town Board of the Town of Southport, County of Chemung, State of New York in accordance to Town of Southport Town Code Chapter 234, Buildings, Unsafe, Article I, and after due deliberation and consideration of the change in ownership due to the County of Chemung tax lien foreclosure, the Town of Southport Town Board hereby determines to continue the order declaring the structure on the property located at 512 Harcourt Drive, Elmira, New York 14904 to be unsafe to the public and such determination will be conveyed to the County of Chemung; however, the Town will not order further action for removal of said property until further information related to the transfer of said property is obtained from the County of Chemung.

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

RESOLUTION NO. 117-2022

MEDICARE ADVANTAGE RESOLUTION

Resolution by: Gunderman
Seconded by: Williams

WHEREAS, Broome County has secured contracts with United Healthcare for Medicare Advantage and Prescription Drug Benefit Plans (MAPD plans) for Medicare primary retirees of the participating entities of the Broome County Purchasing Alliance (BCPA), and

WHEREAS, Broome County allows participation of other interested municipalities pursuant to General Municipal Law § 119-o, and

WHEREAS, each participating municipality will enter into its own contract with United Healthcare under the BCPA to receive the preferred pricing and coverage of the alliance, and

WHEREAS, the Town of Southport wishes to participate in the BCPA MAPD Program effective 1/1/23, therefore be it,

RESOLVED, that the Town of Southport agrees to participate with Broome County and other participating municipalities in the BCPA for Medicare Advantage and Prescription Drug Benefit Services for its eligible retirees, and be it

FURTHER RESOLVED, that the Town of Southport agrees to provide Broome County, via BCPA Portal any information required to facilitate account registration including, but not limited to, census information of Medicare primary retirees including date of birth, gender and zip code. Copy of current Summary Plan Description and Benefit Summary along with this resolution, and be it

FURTHER RESOLVED, that the Town of Southport is authorized to execute any agreements, documents, or papers as may be necessary to implement the intent of this resolution.

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

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,344.40
Funds Turned to State & County Agencies	<u>\$ 618.60</u>
	\$ 1,963.00

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,436.80
	Building Permit Values	\$ 330,350.00
	Operating Permit Fees	\$ 200.00
	Special Use Permit Fees	\$ 75.00

City of Elmira Animal Control
Justice Office
Recreation/Aging/Youth Services
Residential Deputy

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

Council Member Gunderman made a motion, Council Member Williams seconded to accept the minutes from June 14, 2022 Regular Meeting, July 12, 2022 Special Meeting, July 12, 2022 Regular Meeting and July 19, 2022 Special Meeting.

Under Correspondence, Supervisor Roman read an email from Jamie Gensel from Fagan Engineers giving an update on the Mt. Zoar Sewer Project grant application.

Supervisor Roman also read an email from Sheriff Bill Schrom regarding a grant the County received for installation of license plate readers, three of which will be installed on Clemens Center in the Town of Southport.

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

RESOLUTION NO. 118-2022

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Hurley
Seconded by: Steed

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of August 2022, No. 368 through No. 424, not to exceed \$103,213.47, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 119-2022

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Gunderman
Seconded by: Steed

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of August 2022, No. 143 through No. 166, not to exceed \$125,504.55, has been audited and approved for payment by this Town Board.

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

RESOLUTION 120-2022

AUTHORIZING PURCHASE OF GASOLINE AT STATE BID PRICE

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase gasoline at the established New York State bid contract price.

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

RESOLUTION NO. 121-2022

AUTHORIZING SUPERVISOR AND TOWN JUSTICES TO APPLY FOR A 2022 JUSTICE COURT ASSISTANCE PROGRAM GRANT

Resolution by: Gunderman
Seconded by: Steed

WHEREAS, the Chief Administrative Judge is entertaining applications for the next cycle of Justice Court Assistance Program Grants to assist in the operation of their Justice Courts, and

WHEREAS, the Town of Southport Town Justices are requesting up to the maximum amount available to the Town Justice Court to assist in the operation of their Justice Court,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Supervisor and the Town Justices to apply for a 2022 Justice Court Assistance Program Grant up to THIRTY THOUSAND DOLLARS (\$30,000.00), and be it further

RESOLVED, that in the event such grant is awarded to the Town of Southport, the Supervisor and Town Justices are hereby authorized and directed to accept such grant funds on behalf of the Town of Southport and to execute any documents necessary to allow the Town to accept such grant funds.

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

RESOLUTION NO. 122-2022

SETTING DATES FOR TOWN BOARD MEETINGS

Resolution by: Gunderman
Seconded by: Williams

RESOLVED, that pursuant to Section 62 of the Town Law, as amended, that the Annual Meeting of the Town Board of the Town of Southport for the year 2022, insofar as the same is required, be held on December 28, 2022, and be it further

RESOLVED, that the date of the Organizational Meeting of the Town Board of the Town of Southport for the year 2023, insofar as the same is required, be held on January 3, 2023, and be it further

RESOLVED, that the Tentative Budget Special Meeting be held on September 20, 2022, and the Preliminary Budget Public Hearing and Special Meeting be held on November 1, 2022, and be it further

RESOLVED, that said meetings will be held at the Town Hall, 1139 Pennsylvania Avenue in the Town of Southport.

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

RESOLUTION NO. 123-2022

IMPLEMENTING A TRASH VOUCHER DISPOSAL PROGRAM FOR THE TOWN OF SOUTHPORT FOR THE YEAR 2022 IN CONJUNCTION WITH CHEMUNG COUNTY AND CASELLA

Resolution by: Steed
Seconded by: Williams

WHEREAS, the Town of Southport in previous years have provided Town residents the disposal of trash and/or refuse and would like to continue that program for the year 2022.

WHEREAS, the County of Chemung and Casella have provided the Town of Southport with 200 trash disposal vouchers to dispense to their residents on a first come, first service basis.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the Town Supervisor to implement a Trash Voucher Disposal Program for 2022 that would allow residents of the Town to obtain vouchers from the Town Clerk's Office for the disposal of trash at the Chemung County Milling Station of up to 1,000 pounds per household free of charge, with the type of items to be disposed of to be determined in accordance with Chemung County and Casella. The Town residents who obtain a voucher would be responsible for the cost of disposing of any trash in excess of the 1,000 pounds permitted by the vouchers or items that carry additional charges for disposal.

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

RESOLUTION NO. 124-2022

RESOLUTION TO ISSUE A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR LOCAL LAW NO. 3 OF 2022, AMENDMENT TO CHAPTER 464 SUBDIVISION OF LAND

Resolution by: Gunderman
Seconded by: Williams

BE IT RESOLVED, pursuant to the State Environmental Quality Review Act, 6 NYCRR, Part 617.6, in regard to Local Law No. 3 of 2022 to Amend Chapter 464 Subdivision of Land, Article I, Section 464-8 Resubdivision of the Code of the Town of Southport, the Town of Southport Town Board, County of Chemung, State of New York, designates itself as lead agency, and further

BE IT RESOLVED, that pursuant to the State Environmental Quality Review Act, the adoption of Local Law No. 3 of 2022 to Amend Chapter 464 Subdivision of Land, Article I, Section 464-8 Resubdivision of the Code of the Town of Southport is an Unlisted Action, and further

BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York finds, based on the facts and information presented, that Local Law No., 3 of 2022 to Amend Chapter 464 Subdivision of Land, Article I, Section 464-8 Resubdivision will not have an adverse impact on the environment, and further

BE IT RESOLVED, that the Town Supervisor shall file a negative determination and that such determination shall be filed in accordance with SEQR, 6 NYCRR, Part 617.12.

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

RESOLUTION NO. 125-2022

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

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

WHEREAS, this proposed Local Law No. 3 of 2022 To Amend Chapter 464 Subdivision of Land, Article I, Section 464-8 Resubdivision, received requisite approval by the Town of Southport Planning Board and the Chemung County Planning Board and 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 July 12, 2022 at 7:00 p.m. or as soon thereafter was heard, before the Town of Southport Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, New York 14904 upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts and enacts Local Law No. 3 of 2022, to Amend Chapter 464 Subdivision of Land, Article I, Section 464-8 Resubdivision, to wit:

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, 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, Steed, Williams, Roman

NOES: None

CARRIED.

RESOLUTION NO. 126-2022

RESOLUTION TO ISSUE A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR LOCAL LAW NO. 4 OF 2022, TO AMEND CHAPTER 525-16 COMMERCIAL NEIGHBORHOOD (CN) INTENT

Resolution by: Williams

Seconded by: Hurley

BE IT RESOLVED, pursuant to the State Environmental Quality Review Act, 6 NYCRR, Part 617.6, in regard to Local Law No. 4 of 2022 to Amend Chapter 525-16 Commercial Neighborhood (CN) Intent and Attachment 4 of the Code of the Town of Southport, the Town of Southport Town Board, County of Chemung, State of New York, designates itself as lead agency, and further

BE IT RESOLVED, that pursuant to the State Environmental Quality Review Act, the adoption of Local Law No. 4 of 2022 to Amend Chapter 525-16 Commercial Neighborhood (CN) Intent and Attachment 4 of the Code of the Town of Southport is an Unlisted Action, and further

BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York finds, based on the facts and information presented, that Local Law No. 4 of 2022 to Amend Chapter 525-16 Commercial Neighborhood (CN) Intent and Attachment 4 will not have an adverse impact on the environment, and further

BE IT RESOLVED, that the Town Supervisor shall file a negative determination and that such determination shall be filed in accordance with SEQR, 6 NYCRR, Part 617.12.

AYES: Gunderman, Hurley, Steed, Williams, Roman

NOES: None

CARRIED.

RESOLUTION NO. 127-2022

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

Resolution by: Steed

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 this amendment is consistent with the Town's Comprehensive Plan; and

WHEREAS, this proposed Local Law No. 4 of 2022 To Amend Chapter 525-16 Commercial Neighborhood (CN) Intent and Attachment 4 received requisite approval by the Town of Southport Planning Board and the Chemung County Planning Board and 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 July 12, 2022 at 7:00 p.m. or as soon thereafter was heard, before the Town of Southport Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, New York 14904 upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts and enacts Local Law No. 4 of 2022, To Amend Chapter 525-16 Commercial Neighborhood (CN) Intent and Attachment 4 to wit:

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

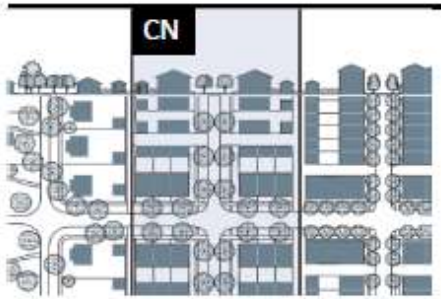
Section 1. Chapter 525-16 Commercial Neighborhood (CN) Intent is hereby amended to read as follows:

§ 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.

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

COMMERCIAL NEIGHBORHOOD (CN)



(See Table 1)

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)

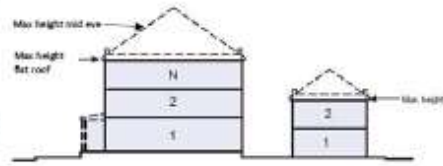
Common Lawn	permitted
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Sloop	not permitted
Shopfront & Awning	not permitted
Gallery	not permitted
Arcade	permitted

PARKING PROVISIONS
(See §§ 525-71 through 525-80 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.

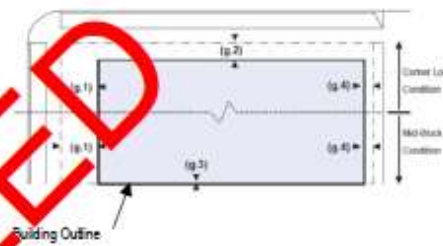
BUILDING CONFIGURATION

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.



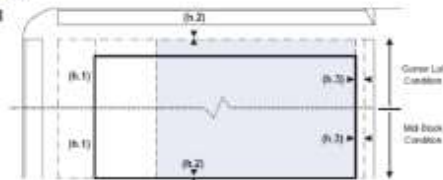
SETBACKS - PRINCIPAL BLDG.

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.



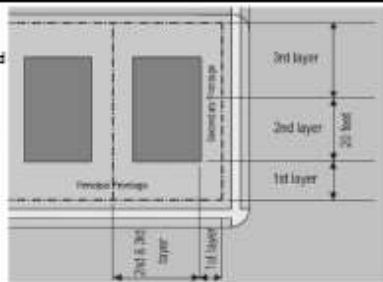
SETBACKS - ACCESSORY BUILDING

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, Steed, Williams, Roman
NOES: None
CARRIED.

RESOLUTION NO. 128-2022

RESOLUTION TO ISSUE A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR LOCAL LAW NO. 5 OF 2022, TO AMEND CHAPTER 525-17 COMMERCIAL REGIONAL (CR) INTENT

Resolution by: Steed
Seconded by: Hurley

BE IT RESOLVED, pursuant to the State Environmental Quality Review Act, 6 NYCRR, Part 617.6, in regard to Local Law No. 5 of 2022 to Amend Chapter 525-17 Commercial Regional (CR) Intent and Attachment 3 of the Code of the Town of Southport, the Town of Southport Town Board, County of Chemung, State of New York, designates itself as lead agency, and further

BE IT RESOLVED, that pursuant to the State Environmental Quality Review Act, the adoption of Local Law No. 5 of 2022 to Amend Chapter 525-17 Commercial Regional (CR) Intent and Attachment 3 of the Code of the Town of Southport is an Unlisted Action; and further

BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York finds, based on the facts and information presented, that Local Law No. 5 of 2022 to Amend Chapter 525-17 Commercial Regional (CR) Intent and Attachment 3 will not have an adverse impact on the environment, and further

BE IT RESOLVED, that the Town Supervisor shall file a negative determination and that such determination shall be filed in accordance with SEQR, 6 NYCRR, Part 617.12.

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

RESOLUTION NO. 129-2022

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

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 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 this amendment is consistent with the Town's Comprehensive Plan; and

WHEREAS, this proposed Local Law No. 5 of 2022 To Amend Chapter 525-17 Commercial Regional (CR) Intent and Attachment 3 received requisite approval by the Town of Southport Planning Board and the Chemung County Planning Board and 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 July 12, 2022 at 7:00 p.m. or as soon thereafter was heard, before the Town of Southport Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, New York 14904 upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts and enacts Local Law No. 5 of 2022, To Amend Chapter 525-17 Commercial Regional (CR) Intent and Attachment 3 to wit:

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

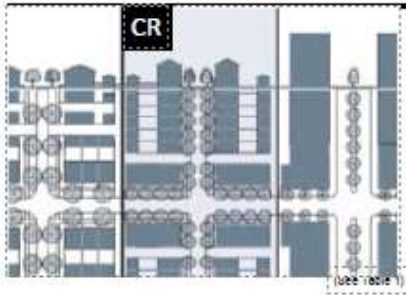
Section 1. Chapter 525-17 Commercial Regional (CR) Intent is hereby amended to read as follows:

§ 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.

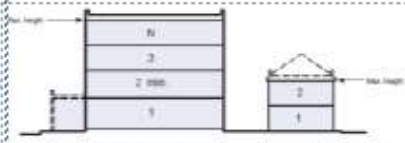
Section 2. Chapter 525 Attachment 3 - Commercial Regional (CR) intent is hereby repealed in its entirety.

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 feet and a minimum of 25 feet.
3. Height: See building height definition.

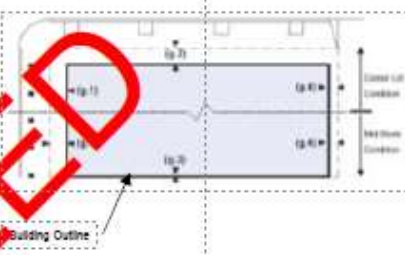


BUILDING CONFIGURATION	
Principal Building Height and Stories	45' max, 4 stories max.
Accessory Building	2 stories max.
LOT OCCUPATION	
Lot Width	20 ft. min.
Lot Coverage	100% max.
SETBACKS - PRINCIPAL BUILDING	
(g.1) Front Setback - Principal	2 ft. min., 12 ft. max.
(g.2) Front Setback - Secondary	2 ft. min., 12 ft. max.
(g.3) Side Setback	0 ft. min., 24 ft. max.
(g.4) Rear Setback	3 ft. min.
Frontage Buildout	80% min. of 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.



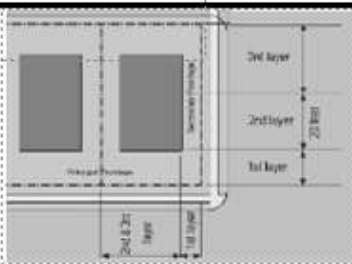
SETBACKS - ACCESSORY BUILDING

1. The Elevations of the 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, Steed, Williams, Roman

NOES: None

CARRIED.

RESOLUTION NO. 130-2022

RESOLUTION TO ISSUE A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR LOCAL LAW NO. 6 OF 2022, TO AMEND CHAPTER 525 BULK AND DENSITY CONTROL SCHEDULE

Resolution by: Steed
Seconded by: Williams

BE IT RESOLVED, pursuant to the State Environmental Quality Review Act, 6 NYCRR, Part 617.6, in regard to Local Law No. 6 of 2022 to Amend Chapter 525 Bulk and Density Control Schedule, Attachment 2 of the Code of the Town of Southport, the Town of Southport Town Board, County of Chemung, State of New York, designates itself as lead agency, and further

BE IT RESOLVED, that pursuant to the State Environmental Quality Review Act, the adoption of Local Law No. 6 of 2022 to Amend Chapter 525 Bulk and Density Control Schedule, Attachment 2 of the Code of the Town of Southport is an Unlisted Action, and further

BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York finds, based on the facts and information presented, that Local Law No. 6 of 2022, to Amend Chapter 525 Bulk and Density Control Schedule, Attachment 2 will not have an adverse impact on the environment, and further

BE IT RESOLVED, that the Town Supervisor shall file a negative determination and that such determination shall be filed in accordance with SEQR, 6 NYCRR, Part 617.12.

AYES: Gunderman, Hurley, Steed, Williams, Roman

NOES: None

CARRIED.

RESOLUTION NO. 131-2022

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

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 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 this amendment is consistent with the Town's Comprehensive Plan; and

WHEREAS, this proposed Local Law No. 6 of 2022 To Amend Chapter 525, Bulk and Density Control Schedule, Attachment 2 received requisite approval by the Town of Southport Planning Board and the Chemung County Planning Board and 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 July 12, 2022 at 7:00 p.m. or as soon thereafter was heard, before the Town of Southport Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, New York 14904 upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts and enacts Local Law No. 6 of 2022, to Amend Chapter 525, Bulk and Density Control Schedule, Attachment 2 to wit:

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

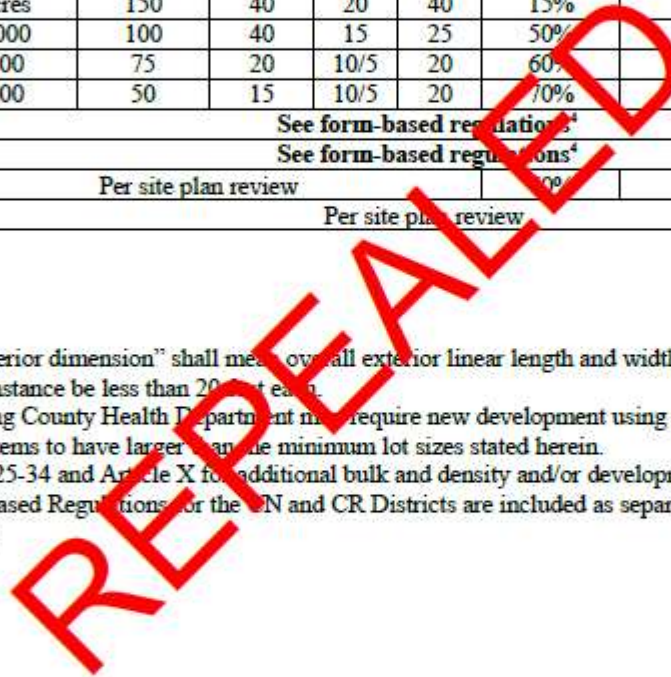
Town of Southport

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					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.
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, Steed, Williams, Roman

NOES: None

CARRIED.

RESOLUTION NO. 132-2022

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CHEMUNG COUNTY YOUTH BUREAU & RECREATION SERVICES

Resolution by: Steed

Seconded by: Hurley

WHEREAS, the Chemung County Youth Bureau has presented a proposal to provide recreation services to residents of the Town of Southport, and

WHEREAS, the Town Board has reviewed the proposal, and

WHEREAS, THE Town Board desires to enter into an agreement with the Chemung County Youth Bureau for the provision of recreation services to the residents of the Town of Southport so as to provide a SPOT program for middle school students and a Super Saturday program for students K-6 grade, for the years 2022 -2024.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby authorizes and directs the Town Supervisor to enter into an agreement with Chemung County Youth Bureau in accordance with its proposal for the provision of recreation services to residents of the Town of Southport, not to exceed TEN THOUSAND DOLLARS AND 00/100 (\$10,000.00) and that said agreement shall be subject to the review and approval of the Attorney for the Town.

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

Under Discussion was Bicentennial Report. Supervisor Roman and Council Member Dan Williams gave an update on the events taking place at Chapel Park on August 13, 2022.

Next was ARPA Funds. Supervisor Roman gave an update on some of the projects the Board discussed regarding use of the funds.

Lastly under Discussion was the purchase of a Ford F-550 2022 Truck for the Highway Department.

RESOLUTION NO. 133-2022

AUTHORIZING PURCHASE OF ONE NEW AND UNUSED 2022 F-550 TRUCK

Resolution by: Hurley
Seconded by: Gunderman

WHEREAS, this Town Board did in approving the budget for fiscal year 2022 provided therein funds for the purchase of new equipment to replace old and outdated equipment for use by its Highway Department, and

WHEREAS, this Town Board believes it to be in the best interest of the Town of Southport and the Town of Southport Highway Department to purchase a new truck for said department.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the Town Supervisor to purchase pursuant to the New York State General Municipal Law a new and unused truck from Ferrario Auto Team Corp. for a sum not to exceed \$85,000.00 (EIGHTY-FIVE THOUSAND DOLLARS AND 00/100).

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

Under Taxpayer's Comments, Lynn Sweet from 1680 Pennsylvania Avenue stated his land is being eroded by Seeley Creek and has lost 1/3 of his property. He asked the Town Board Members if they had any suggestions as to what he can do about this.

George Wildrick from 1678 Pennsylvania Avenue stated Corning Natural Gas left a mess in the creek after they fixed an exposed gas line. He would like the Town to facilitate a meeting between Corning Gas and the residents.

Scott and Roxanne Disbrow from 617 Schuyler Avenue commented on the ongoing issue at 611 Schuyler Avenue. The property once again is covered with trash and debris and now rodents are coming over onto their property.

Gale Zimmer from 549 Phoenix Avenue also stated the property at 611 Schuyler Avenue needs to be cleaned up. He also stated cars are speeding down his street and asked if there could be more police presence to help stop this.

Council Member Steed made a motion, Council Member Williams seconded to adjourn the meeting.

The meeting was adjourned at 8.15 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk