



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Meeting Minutes

Monday, April 3, 2023

7:00 pm

Board Members Present: Jackie French
John Hastings
Chris Parsons
Trish Peterson, Chairwoman
Tracy Warner, Alternate

Board Member Absent: Larry Berman, Vice Chairman
Troy Dygert
Jennifer McGonigal

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

Chairwoman Peterson 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 March 6, 2023 meeting minutes. Hearing no comments, Board Member French made a motion to accept the minutes of March 6, 2023 as presented; Board Member Warner seconded the motion. All were in favor. The Board accepted the minutes as presented.

Next on the agenda was re-appointment of Board Member John Hastings whose term expires April 2023. Chairman Peterson made a motion to recommend to the Town Board to re-appoint John Hastings to the Planning Board for another term to expire April 2030; Board Member French seconded the motion. No discussion on the motion. All in favor.

AYES: French, Hastings, Parsons, Peterson, Warner

ABSENT: Berman, Dygert, McGonigal

NOES: None

MOTION CARRIED.

Public Hearing - Site Plan of Thomas Byrnes to operate an automobile repair service located in Building 8 of the Southern Tier Commerce Center located at 1051 S. Main Street, Elmira, NY
Tax map #99.20-1-74.1
Zoned Industrial

It was noted that the publication was in order, then the public hearing was opened for comment. No one wished to be heard, the public portion of the meeting was closed at 7:02 p.m. and was turned back over to the Planning Board.

Mr. Byrnes explained that he will do general automotive repairs. The oil and anti-freeze will be removed from the site as needed. He will not store any chemicals on site.

The Board discussed the parking, hours of operation and the SEQR question #20 “Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?” The applicant replied Yes, Brownfield clean-up. Code Officer Rocchi instructed Mr. Byrnes to note that on the Short Environmental Assessment Form Part 1. It is not an issue for the Site Plan approval.

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

Resolution No. 003-2023 PB

SITE PLAN GRANTED TO THOMAS BYRNES TO OPERATE AN AUTOMOBILE REPAIR SERVICE SHOP LOCATED AT 1051 SOUTH MAIN STREET, BUILDING 8 OF THE SOUTHERN TIER COMMERCE CENTER, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #99.20-1-74.1 ZONED INDUSTRIAL

Resolution by: French
Seconded by: Parsons

WHEREAS, on or about January 27, 2023, Thomas Byrnes submitted an application to the Code Enforcement Officer for Site Plan approval from the Town of Southport Planning Board to operate an automobile repair shop located at 1051 South Main Street, Town of Southport, tax map #99.20-1-74.1 zoned Industrial; and

WHEREAS, the application was submitted to the Town Planning Board and defined as a vehicle repair use per the Town Code Chapter 525-110 Vehicle filling stations, vehicle repair, vehicle sales and heavy equipment vehicle sales and/or repair, and/or contractor's equipment yard.; and

WHEREAS, the Town Planning Board held a duly noticed meeting on March 6, 2023 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on April 3, 2023 at 7:00 p.m., and after due posting and publication of the same was made, was in compliance with the Town of Southport Municipal Code; and

WHEREAS, at that public hearing, any and all individuals wishing to be heard were then and there given the opportunity to do so; and

WHEREAS, it was determined that this was an Unlisted Action and will not have a potentially significant effect on the environment; and after due deliberation, investigation, and consideration it is

RESOLVED, that the Town Planning Board hereby grants approval to the Site Plan of Thomas Byrnes with conditions to operate an automobile repair service located at 1051 South Main Street. Failure to make significant progress on the project within one (1) year from granting approval of this site plan will render the site plan null and void. Conditions shall be completed within one year unless otherwise stated.

1. Hours of operation will be Monday through Saturday 8:00 a.m. to 8:00 p.m.

AYES: French, Hastings, Parsons, Peterson, Warner

ABSENT: Berman, Dygert, McGonigal

NOES: None

MOTION CARRIED.

Next on the agenda was the Referral from Town Board to review the Local Law No. 3 of 2023, a Six-Month Moratorium Extension of the Temporary 12-month Moratorium for Operating Unlicensed Retail Businesses Involving the Transfer, Distribution, or Sale of Cannabis within the Town of Southport.

Mr. Rocchi explained that the Town has opted out of the Sale of Cannabis within the Town of Southport. The Moratorium includes language to address the illegal exchange of cannabis until New York State addresses the loophole.

Board Member French made a motion that the Planning Board recommends that the Town Board adopt the Proposed Local Law No. 3 of 2023, a six-month Moratorium Extension of the Temporary 12-Month Moratorium for operating unlicensed retail businesses involving the transfer, distribution or sale of cannabis

within the Town of Southport as presented. Chairwoman Peterson seconded the motion. No discussion on the motion. All were in favor.

AYES: French, Hastings, Parsons, Peterson, Warner

ABSENT: Berman, Dygert, McGonigal

NOES: None

MOTION CARRIED.

In other business, the Board discussed the importance of training and attendance and that noncompliance being a proper cause for removal from office. All members are required to attend a minimum of 75% of their Board meetings scheduled within a calendar year and are required to attend a minimum of four hours in relevant courses annually.

No other business to come before the Board. Board Member Parsons made a motion to adjourn the meeting; Chairwoman Peterson seconded the motion. All were in favor. The meeting was adjourned at 7:22 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney