



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Meeting Minutes

Monday, July 10, 2023

7:00 pm

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

Board Member Absent: Jennifer McGonigal

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Megan Dorritie, Town Attorney

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 June 5, 2023 meeting minutes. Hearing no comments, Board Member French made a motion to accept the minutes of June 5, 2023 as presented; Alternate Board Member Warner seconded the motion. All were in favor. The Board accepted the minutes as presented.

Next the Planning Board accepted the resignation of Troy Dygert as Planning Board Member. Chairwoman Peterson made a motion to recommend that the Town Board appoint the Alternate Planning Board Member, Tracy Warner, as a permanent Planning Board Member taking over Dygerts un-expired term that will expire April 2024; Board Member French seconded the motion.

AYES: Berman, French, Hastings, Parsons, Peterson

ABSENT: McGonigal

NOES: None

ABSTAINED: Warner

MOTION CARRIED.

Public Hearing - Site Plan of Eunice Eno to operate a used clothing and goods retail store located at 1132 Broadway, Elmira, New York tax map #109.10-1-2 zoned Commercial Regional.

Ms. Eno explained that she will sell second hand goods and hand-made crafts such as T-shirts and cups. Her hours of operation will be Monday through Sunday 10:00 a.m. to 8:00 p.m.

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 7:04 p.m. and was turned back over to the Planning Board.

The Board discussed the number of parking spaces available at the plaza. There is an existing handicap parking sign located on the pole. Ms. Eno explained that the landlord will paint the parking space lines on the side of the building.

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. 005-2023 PB

SITE PLAN GRANTED TO EUNICE ENO TO OPERATE A USED GOODS AND HAND-MADE CRAFTS RETAIL STORE LOCATED AT 1132 BROADWAY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.10-1-2 ZONED COMMERCIAL REGIONAL

Resolution by: French
Seconded by: Parsons

WHEREAS, on or about April 24, 2023, Eunice Eno submitted an application to the Code Enforcement Officer for Site Plan approval from the Town of Southport Planning Board to operate a retail store located at 1132 Broadway, Town of Southport, tax map #109.10-1-2 zoned Commercial Regional; and

WHEREAS, the application was submitted to the Town Planning Board and defined as Retail, specialty low-profile per the Town Code Chapter 525-5 Definitions; and

WHEREAS, the Town Planning Board held a duly noticed meeting on June 5, 2023 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on July 10, 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 Eunice Eno with conditions to operate a retail store located at 1132 Broadway. 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. Clear lines are painted and defined for parking on the south end of the building.

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

Public Hearing – Special Use Permit of Mark Watts to operate an Events Center located at 564 Dry Run Road, Pine City, New York tax map #107.00-1-5 zoned Agricultural

Mr. Watts explained that he owns and operates a dairy farm on his 88 acres. He wants to use the existing 50-foot by 80-foot barn for events. His Architect submitted a Stamped Architect drawing of the Code Review for the change of occupancy.

Town Attorney Dorritie talked about the Chemung County Planning Board comments. On the Short Environmental Assessment Form Part 1 question 4 “Check all land uses that occur on, are adjoining or near the proposed action” the County stated that “aquatic” should be checked because Dry Run is a class C stream that runs between the building and the proposed parking lot. As a result of that change, question 13a “Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?” Mr. Watts explained that streams must be classified as CT or higher under jurisdiction. As of today, Dry Run is classified as C, therefore 13a will remain marked as “no.”

Attorney Dorritie reviewed the general requirements for the events center use per Town Code 525-128.1:

1. A minimum lot size of three acres is required for an events center.

- *Watts parcel is 88 acres.*

2. A minimum buffer of 50 feet in width shall be maintained between an events center use and the lot line of an adjoining lot containing a residential use, and a minimum buffer of 50 feet in width shall be maintained between an events center use and the lot line of all other adjoining lots. Appropriate landscaping shall be included within the buffer. No structure, vendor, storage area, sanitary or toilet facility, or parking area shall be permitted within this buffer.

- *Mr. Watts explained there are hedge rows at the property line. The barn is 1,000 feet away from the nearest neighbor.*

3. Garbage and rubbish.

(a) No materials related to an events center use shall be stored outside a building, except for garbage and rubbish. Any outdoor storage of garbage and rubbish incidental to the events center use shall be only in suitable containers and shall be:

[1] Screened from view from any adjoining lot or roadway by a barrier in accordance with § 525-111 and at least eight feet in height as measured from finished grade; and

[2] Located in accordance with a design approved in a site plan.

(b) This subsection shall not apply to a trash can or similar receptacle placed outside during an event to receive garbage or rubbish from attendees.

- *Mr. Watts stated that the garbage will be stored inside of the barn after an event and hauled away the next day.*

4. Noise and sound requirements.

(a) Sound levels generated by an events center use shall be no greater than 70 decibels as measured at the boundaries of the lot occupied by the use creating noise during events. Sound levels shall also comply with § 525-119.

(b) An outdoor sound or public-address system shall not be permitted in the CN or CR district. Unless specifically approved in a site plan, an outdoor sound or public-address system shall not be permitted for an events center in the AR district.

- *Mr. Watts stated that his residence is the closest and the noise would not reach 70 decibels at the property line.*

5. Operating hours of the events center shall be limited to the hours between 8:00 a.m. and 10:00 p.m. For purposes of this section, all events must terminate by 10:00 p.m., meaning all food, drinks, service and entertainment must end by 10:00 p.m. It is understood that attendees and servers and their vehicles shall have a reasonable amount of time thereafter to vacate the premises; provided, however, that all attendees

and servers and their vehicles shall have vacated the premises and the events center's lighting shall be extinguished by no later than 11:00 p.m., except for lighting ordinarily used for:

(a) Security or safety purposes; or

(b) Lighting used in the ordinary course of property use not related to the events center use.

- *Mr. Watts stated the hours of operation will be Monday through Sunday 8:00 a.m. to 10:00 p.m.*

6. Parking.

(a) No on-road parking associated with the events center use is permitted.

(b) The parking area of an events center shall meet the requirements of the Americans with Disabilities Act (ADA)¹¹ and the applicable provisions of § 525-71. This requirement shall not preclude the events center from utilizing shuttle buses or other methods of guest transportation.

[1]Editor's Note: See 42 U.S.C. § 12101 et seq.

- *Mr. Watts demonstrates the off-road parking on his Site Plan.*

7. Sanitary facility requirement.

(a) An events center shall provide for adequate and safe public restroom and/or toilet facilities in accordance with the requirements of the New York State Department of Health and the New York State Uniform Fire Prevention and Building Code.

(b) Temporary and/or portable restrooms associated with an events center use shall not be permitted in the CN or CR districts. Temporary and/or portable restrooms shall not be permitted in the AR district unless approved in a site plan. When temporary and/or portable restrooms are used to comply with this subsection, no fewer than four shall be provided.

- *Mr. Watts will be required to have a minimum of four (4) adequate public restrooms.*

8. Lighting.

(a) Outdoor lighting shall comply with § 525-117.

(b) Outdoor lights in connection with an events center use, except for those ordinarily used for security and safety purposes or in the ordinary course of property use not related to the events center use, shall be extinguished by no later than 11:00 p.m.

(c) A lighting plan, including the criteria in § 525-117B, and any other criteria deemed appropriate by the Planning Board, shall be set forth in the events center management plan.

- *Mr. Watts will have five (5) flood lights and will also have 30 solar outdoor lights on each post near the parking area.*

9. Signage. Signs shall comply with §§ 525-90 through 525-96.

- *Mr. Watts will have a sandwich board sign that will be removed after each event.*

10. Tents. There shall be no more than a total of 200 square feet of space under a tent or tents associated with an events center use, unless additional square footage is approved in a site plan.

- *Tents must be no more than a total of 200 square feet.*

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 7:26 p.m. and was turned back over to the Planning Board.

Hearing no other comments from the Board, Vice-Chairman Berman made a motion to accept the Special Use Permit with conditions; Chairwoman Peterson seconded the motion. The SEQR was a Type II Action with a Negative Declaration.

The Board discussed the Short Environmental Assessment Form Part 2 – Impact Assessment.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
No, or small impact may occur.
2. Will the proposed action result in a change in the use or intensity of use of land?
No, or small impact may occur.
3. Will the proposed action impair the character or quality of the existing community?
No, or small impact may occur.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
No, or small impact may occur.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?
No, or small impact may occur.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?
7. Will the proposed action impact existing:
 - a. public / private water supplies?
 - b. public / private wastewater treatment utilities?No, or small impact may occur.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?
No, or small impact may occur.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?
No, or small impact may occur.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
No, or small impact may occur.
11. Will the proposed action create a hazard to environmental resources or human health?
No, or small impact may occur.

The Board has determined, based on the information and analysis, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Chairwoman Peterson made a motion for SEQR purposes that it is a Type II Action with a negative declaration; Board Member French seconded the motion.

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

Resolution No. 006-2023 PB

**SPECIAL USE PERMIT GRANTED TO MARK WATTS TO OPERATE AN
EVENTS CENTER WITH CONDITIONS LOCATED AT 564 DRY RUN ROAD,
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK,
TAX MAP #107.00-1-5 ZONED AGRICULTURAL**

Resolution by: Berman
Seconded by: Peterson

WHEREAS, on or about May 12, 2023, Mark Watts submitted an application to the Code Enforcement Officer for Special Use Permit approval from the Town of Southport Planning Board to operate an Events Center located at 564 Dry Run Road, Town of Southport, tax map #107.00-1-5 zoned Agricultural; and

WHEREAS, the application was submitted to the Town Planning Board and defined as an Events Center per the Town Code Chapter 525-128.1; and

WHEREAS, the Town Planning Board held a duly noticed meeting on June 5, 2023 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on July 10, 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 a Type II 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 Special Use Permit of Mark Watts with conditions to operate an Events Center located at 564 Dry Run Road. 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. A minimum lot size of 3 acres is required.
2. A minimum buffer of 50 feet shall be maintained between events center and lot line.
3. Garbage and rubbish shall be stored inside barn after an event and removed from the property the day after an event.
4. The noise and sound levels shall be no greater than 70 decibels as measured at the boundaries of the lot being used for the events center.
5. Hours of operation will be Monday through Sunday 8:00 a.m. to 10:00 p.m.
6. There shall be no on-road parking for events center use.
7. No fewer than four (4) portable restrooms shall be provided for any event.
8. Outdoor lighting shall be dark sky compliant.
9. Any signage must comply with Town Code.
10. Tents must be no more than a total of 200 square feet.

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

Next was review of the Concept Plat for proposed Subdivision of Autumnview Way LLC located at tax map #108.00-1-34.11 zoned Residential 1.

James Gensel with Fagan Engineers presented the proposed subdivision plan for Autumnview Estates. The plan shows 11 lots with single-family homes. Each lot will be 15,000 square feet with approximately 120 feet of road frontage. It will be a public road, with public water, and electric. Phase 1 proposes five (5) building lots, Phase 2 proposes six (6) building lots. It is recommended that the houses be built slab on grade due to the issue of high ground water. Septic systems will be raised and surface level worked into the grading plan.

Fagan Engineers must abstain from approving the septic systems due to conflict of interest with Chemung County Health Department.

Attorney Dorritie explained that the Planned Development District (PDD) zoning had expired because it was written in the local law. Mr. Gensel agreed they can meet the Residential 1 (R1) Bulk and Density Control Schedule requirements per Chapter 525-24. Code Enforcement Officer Peter Rocchi explained that the new development can use the established front yard setback from the existing houses on Autumnview Way.

Board Member Warner left the meeting at 8:02 p.m.

After review of the preliminary plat for the proposed subdivision of Autumnview Way LLC located at tax map #108.00-1-34.11 zoned Residential 1, the Planning Board declared it a Major Subdivision.

There were no further comments from the Board. Chairwoman Peterson set a public hearing for Monday, August 7, 2023 at 7:00 p.m. or as soon thereafter as it can be heard.

Hearing no other comments from the Board, Chairwoman Peterson made a motion declaring intent to become Lead Agency for SEQRA; Board Member French seconded the motion.

Resolution No. 007-2023 PB

**Resolution of Intent to Act as Lead Agency for
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
Review of the Project Identified as
Autumnview Estates Subdivision**

Resolution by: Peterson
Seconded by: French

WHEREAS, the Town of Southport, New York (the "Town") has received a concept plan from Fagan Engineers on behalf of David and Amy Cleary, (collectively, the "Applicants"), seeking approval for a Major Subdivision for the Autumnview Estates (the "Project"), on certain real property located at tax parcel #108.00-1-34.11 in the Town of Southport, County of Chemung, State of New York; and

WHEREAS, said application plan was submitted together with a SEQRA Full Environmental Assessment Form and other supporting documents and concept plans ("Application Materials"); and

WHEREAS, the Town has acknowledged receipt of the Application Materials and has deemed them sufficient to initiate review of the proposed Project in accordance with the Town Code; and

PLEASE TAKE FURTHER NOTICE that unless any involved agency objects to this determination and Intent of Lead Agency status within thirty (30) calendar days, the Town of Southport Planning Board shall be deemed Lead Agency.

Town of Southport Planning Board

By: _____

Print Name: _____

Involved Agencies

Chemung County Health Department
Attn: Peter Buzzetti
103 Washington Street
Elmira, NY 14901

Elmira Water Board
Attn: Mark LaDouce
261 West Water Street
Elmira, NY 14901

Interested Agencies

Town of Southport Town Board
1139 Pennsylvania Avenue
Elmira, NY 14904

Town of Southport Highway Department
Attn: Highway Superintendent
1139 Pennsylvania Avenue
Elmira, NY 14904

No other business to come before the Board. Vice Chairman Berman made a motion to adjourn the meeting; Board Member French seconded the motion. All were in favor. The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney