



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Meeting Minutes

Tuesday, September 5, 2023

7:00 pm

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

Board Member Absent: None

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Allison Bartlett, 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 August 7, 2023 meeting minutes. Hearing no comments, Board Member French made a motion to accept the minutes of August 7, 2023 as presented; Board Member Warner seconded the motion. All were in favor. The Board accepted the minutes as presented.

Public Hearing - Site Plan of John Wilber to operate vehicle and retail sales located at 922 Pennsylvania Avenue, Elmira, New York
Tax map #109.07-1-37
Zoned Commercial Regional

Mr. Wilber explained that he would like to sell pre-built sheds and will continue to sell vehicles at that location. He will install a sign and add lighting.

It was noted that the publication was in order, then the public hearing was opened for comment.

No one else 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. Wilber explained that the NYS Inspection service would require the Town's approval and that he may pursue that in the future.

The Board discussed that the vehicles for sale are pre-existing. The sheds are currently past the property line and must be placed in the required setback, which is even with the existing building on the Southport Street side of the property. The Code Enforcement Office has received complaints about the clear vision issue with the sheds along Pennsylvania Avenue. The Board discussed the clear vision issue and that the sheds must be kept out of the right-of-way.

Hearing no other comments from the Board, Board Member French made a motion to accept the Site Plan with conditions; Vice Chairman Berman seconded the motion. Discussion on the motion was clarification of the setbacks. The project is classified as a Type II Action under the State Environmental Quality Review Act (SEQRA), thus no further action is required pursuant to SEQRA.

Resolution No. 008-2023 PB

**SITE PLAN GRANTED TO JOHN WILBER TO OPERATE VEHICLE
AND SHED SALES LOCATED AT 922 PENNSYLVANIA AVENUE,
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK,
TAX MAP #109.07-1-37 ZONED COMMERCIAL REGIONAL**

Resolution by: French
Seconded by: Berman

WHEREAS, on or about July 19, 2023, John Wilber submitted an application to the Code Enforcement Officer for Site Plan approval from the Town of Southport Planning Board to continue the operation of vehicle sales and include the retail sale of sheds located at 922 Pennsylvania Avenue, Town of Southport, tax map #109.07-1-37 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 August 7, 2023 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on September 5, 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 under SEQRA; and after due deliberation, investigation, and consideration it is

RESOLVED, that the Town Planning Board hereby grants approval to the Site Plan of John Wilber with conditions to operate vehicle and shed sales located at 922 Pennsylvania Avenue. 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. Placement of sheds must comply with current zoning and code regulations and be placed within the established setback.

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

Board Member French left the meeting at 7:17 p.m.

Continued discussion on the

Public Hearing - Site Plan for Major Subdivision of Autumnview Way LLC
located at Autumnview Way
Tax map #108.00-1-34.11
Zoned Residential 1 (R1)

There has been no response from other interested agencies, therefore the Board established themselves as Lead Agency. Chairwoman Peterson made a motion declaring the Planning Board as Lead Agency; Vice Chairman Berman seconded the motion. The project is an Unlisted Action under SEQRA. The Planning Board served as Lead Agency for Coordinated Review and ultimately issued a Negative Declaration after reviewing Part 1 of the Full Environmental Assessment Form (Full EAF) and completing Parts 2 and 3 of the Full EAF.

Resolution No. 009-2023 PB

**RESOLUTION DECLARING THE TOWN OF SOUTHPORT PLANNING BOARD AS
LEAD AGENCY AND ADOPTING NEGATIVE DECLARATION PURSUANT TO
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
REGARDING THE MAJOR SUBDIVISION OF AUTUMNVIEW WAY
LOCATED AT AUTUMNVIEW WAY, PINE CITY, TOWN OF SOUTHPORT,
COUNTY OF CHEMUNG, STATE OF NEW YORK
TAX MAP #108.00-1-34.11 ZONED RESIDENTIAL 1**

Resolution by: Peterson
Seconded by: Berman

WHEREAS, the Town of Southport Planning Board has received an application package from Fagan Engineers on behalf of David Cleary (collectively, the "Applicant"), seeking approval to allow for the major subdivision of land of a proposed +/-4.8 acre parcel (the "Project"), on certain real property located at Autumnview Way in the Town of Southport, County of Chemung, State of New York (SBL No. 108.00-1-34.11); and

WHEREAS, said application package was submitted together with a SEQRA Full Environmental Assessment Form and other supporting documents and 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

WHEREAS, the Town Planning Board has determined, in accordance with 6 NYCRR Part 617, that: (i) the proposed Project is an Unlisted Action under SEQRA; (ii) coordinated SEQRA review shall be undertaken; and (iii) the Town Planning Board desires to act as Lead Agency for purposes of said review; and

WHEREAS, the Town of Southport Planning Board has notified all other involved agencies of its intent to be designated as Lead Agency pursuant to SEQRA, 6NYCRR, 617.6; and

WHEREAS, no involved agency has protested such designation of Town of Southport Planning Board as Lead Agency pursuant to 6 NYCRR, Part 617.6; and

WHEREAS, the Town of Southport Planning Board declares itself Lead Agency; and

WHEREAS, the Town of Southport Planning Board acting as Lead Agency has reviewed the proposed Project, reviewed Part 1 of the Full EAF and considered the potential environmental impacts of the proposed Project pursuant to the requirements of SEQRA; and

WHEREAS the Town of Southport Planning Board reviewed and completed Parts 2 and 3 of the Full EAF and found that the proposed Project will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Southport Planning Board assumes lead agency status for review of the Project; and be it further

RESOLVED, that the Town of Southport Planning Board acting as Lead Agency pursuant to SEQRA hereby finds that the project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared; and be it further

RESOLVED, that copies of the SEQRA Full EAF Parts 1, 2 and 3 are on file in the Town offices; and be it further

RESOLVED, that the Town of Southport Planning Board hereby completed a Coordinated Review of this action pursuant to 6 NYCRR, Part 617.6 (b)(2) and having reviewed and completed the Full EAF adopts a negative declaration for the Project.

AYES: Berman, Hastings, McGonigal, Parsons, Peterson, Warner

NOES: None

ABSENT: French

MOTION CARRIED.

The Board discussed the Final Plat Approval of Autumnview Way LLC and conditions to be placed on the application:

1. Any construction needs to comply with any State and Local Building Codes.
2. Realty Subdivision approval from the New York State Department of Health and/or Chemung County Department of Public Health (as applicable) is required for this Major Subdivision of Land.
3. Septic system design, prepared by a licensed professional engineer, must meet the requirements of the New York State Department of Health, and must be approved by the Chemung County Health Department. This inspection for approval by the Chemung County Health Department must be conducted by an independent third-party professional engineer not affiliated with the Applicant.

Hearing no other comments from the Board, Vice Chairman Berman made a motion to accept the Site Plan for a Major Subdivision of land with conditions; Board Member Parsons seconded the motion.

Resolution No. 010-2023 PB

**SITE PLAN GRANTED TO DAVID CLEARY FOR A
MAJOR SUBDIVISION OF LAND LOCATED AT AUTUMNVIEW WAY,
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK,
TAX MAP #108.00-1-34.11 ZONED RESIDENTIAL 1**

Resolution by: Berman
Seconded by: Parsons

WHEREAS, on or about May 19, 2023, James Gensel, on behalf of David Cleary, submitted an application to the Code Enforcement Officer for Site Plan approval from the Town of Southport Planning Board for a Major Subdivision of Land located at Autumnview Way, Town of Southport, tax map #108.00-1-34.11 zoned Residential 1; and

WHEREAS, the application was submitted to the Town Planning Board and defined as a Major Subdivision of Land per the Town Code Chapter 464 Subdivision of Land; and

WHEREAS, the Town Planning Board held a duly noticed meeting on July 10, 2023, August 7, 2023, and continued September 5, 2023 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on August 7, 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 Site Plan of David Cleary with conditions for a Major Subdivision of land located at Autumnview Way. 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. Any construction needs to comply with any State and Local Building Codes.
2. Realty Subdivision approval from the New York State Department of Health and/or Chemung County Department of Public Health (as applicable) is required for this Major Subdivision of Land.
3. Septic system design, prepared by a licensed professional engineer, must meet the requirements of the New York State Department of Health, and must be approved by the Chemung County Health Department. This inspection for approval by the Chemung County Health Department must be conducted by an independent third-party professional engineer not affiliated with the Applicant.

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

Next was review of the Minor Subdivision of Land of Sol Meisels located at 1600 Cedar Street, Elmira, New York, tax map #109.12-1-11, zoned Commercial Regional. Mr. Meisels was unable to attend and asked that his application be moved to the October 2, 2023 agenda.

Next on the agenda was the review of the Site Plan of Charles Benjamin to operate a Contractor's Equipment Yard to be located at 1523 Cedar Street, Elmira, New York, tax map #109.08-1-34 zoned Commercial Regional.

Mr. Benjamin explained that he would like to move his business from Lake Road to Southport. His office hours of operation will be Monday through Friday 7:00 a.m. to 4:00 p.m. He will add solar LED lights on the front of the building.

The Board discussed the drainage in the parking lot that has been recently connected to the NYSDOT drain. There is an existing fence for barrier between properties. All building materials must be stored inside of the building. The Board discussed the noise level from any fabricating.

There were no further comments from the Board. Chairwoman Peterson set a public hearing for Monday, October 2, 2023 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was review of the Site Plan of Brandy Peckham to operate a tattoo and piercing business located at 964 Pennsylvania Avenue, Elmira, New York, Tax map #109.06-3-19, zoned Commercial Regional.

Ms. Peckham explained that she is moving her business from Elmira Heights to the Drake Plaza in the vacant DarkTan store-front. Hours of operation will be Monday through Saturday from 10:00 a.m. to 9:00 p.m. She will have a table outside to display items for sale. She asked if she could order her sign before the Planning Boards approval. The Board advised her to wait until the site plan was approved. The Board explained that the business could not operate until it has the site plan approval.

The Board discussed the vacant Alternate Board Member position. No letters of interest have been received.

No other business to come before the Board. Board Member Parsons made a motion to adjourn the meeting; Board Member McGonigal seconded the motion. All were in favor. The meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney