



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Meeting Minutes

Monday, December 4, 2023

7:00 pm

Board Members Present: Jackie French
John Hastings
Chris Parsons
Trish Peterson, Chairwoman
Rick Petzke

Board Member Absent: Jennifer McGonigal
Tracy Warner

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

Next the Board welcomed Board Member Petzke as a Planning Board Member, taking the unexpired term of Board Member Berman April 2026.

Next on the agenda was to set the Planning Board meeting schedule for the year 2024. All meetings will be held on the first Monday of each month except for the:

January 2024 meeting will be held on Tuesday, January 2, 2024

September 2024 meeting will be held on Tuesday, September 3, 2024

The deadline for site plan and special use permit applications will continue to be the third Wednesday of each month.

Public Hearing - Site Plan of Jenny Storch to operate a retail store located at
1848 Pennsylvania Avenue
Pine City, New York
Tax map #127.00-1-10.2
Zoned Commercial Neighborhood

Ms. Storch explained that she plans to sell produce and décor. Her hours of operation would be as stated on the application. The number of employees will be one.

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 7:03 p.m. and was turned back over to the Planning Board.

The Board discussed hours of operation, number of employees, night sky compliant lighting, and parking. One parking space must be designated for handicap parking by posting a sign.

Hearing no other comments from the Board, Board Member French made a motion to accept the Site Plan as presented with conditions; Chairwoman Peterson seconded the motion. There was no discussion on the motion. The project is classified as a Type II Action, with a negative declaration under the State Environmental Quality Review Act (SEQRA), thus no further action is required pursuant to SEQRA.

Resolution No. 015-2023 PB

**SITE PLAN GRANTED TO JENNY STORCH TO OPERATE A RETAIL STORE
LOCATED AT 1848 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT,
COUNTY OF CHEMUNG, STATE OF NEW YORK,
TAX MAP #127.00-1-10.2
ZONED COMMERCIAL NEIGHBORHOOD**

Resolution by: French
Seconded by: Peterson

WHEREAS, on or about October 18, 2023, Jenny Storch 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 1848 Pennsylvania Avenue, Town of Southport, tax map #127.00-1-10.2 zoned Commercial Neighborhood; and

WHEREAS, the application was submitted to the Town Planning Board and defined as a Retail Use, Specialty Low-Profile per the Town Code Chapter 525-5 Definitions; and

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

WHEREAS, the Town Planning Board conducted a public hearing on December 4, 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 with conditions for the Site Plan of Jenny Storch to operate a retail store located at 1848 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. One parking space must be designated for handicap parking by posting a handicap sign.

AYES: French, Hastings, Parsons, Peterson, Petzke

ABSENT: McGonigal, Warner

NOES: None

MOTION CARRIED.

Next was review of the Site Plan of Cherry Lane Park LLC to replace existing mobile homes and add new units located at:

1170 Sherman Avenue, Elmira, New York (#109.08-1-65) Zoned Residential 3

1165 Cadet Terrace, Elmira, New York (#109.08-1-87) Zoned Residential 3

1169 Cadet Terrace, Elmira, New York (#109.08-1-85) Zoned Residential 3

1171 Cadet Terrace, Elmira, New York (#109.08-1-84) Zoned Residential 3

The applicant was not present at the meeting. Code Officer Rocchi gave an overview of the application that is before the Board of Appeals. Cherry Lane Park LLC is modifying the Site. There are three variances that are being considered:

1. Size of units proposed are 13 foot wide; 20 foot wide is required per Ch. 525-24
2. On-site Office is required per Ch. 352-12 (S)
3. Site configuration. The design of the park not be barracks-like in nature per Ch. 352-12 (I).

Attorney Bartlett advised that the Planning Board set a public hearing for January 2, 2024 and start the public hearing process. If there is additional discussion required then the public hearing could be held open for additional information. A determination does not need to be made at the January meeting. A decision needs to be made 62 days after the close of the public hearing. An approval from the Chemung County Health Department will also be required.

There were no further comments from the Board. Chairwoman Peterson set a public hearing for Tuesday, January 2, 2024 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was the Referral from the Town Board to review the recommendation from the Zoning Board of Appeals to review Town Code §525-5 Agricultural, Definitions and §525-33 (7)(a) Special requirements.

The Board discussed how it took 18-months to come up with the current Agricultural Uses in the Town Municipal Code and took into consideration the impact on neighboring residents. The Board discussed adding small livestock definition to the existing Town Code.

Chairwoman Peterson made a motion that the Planning Board recommends that the Town Board add a small livestock definition to the Town Code §525-5 Agricultural, Definitions and make no changes to §525-33 (7)(a) Special requirements. Board Member French seconded the recommendation. All were in favor.

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

Next the Board discussed the opening for an Alternate Planning Board Member. The Board would like the Town to start actively looking to fill the vacant position.

No other business to come before the Board. Chairwoman Peterson made a motion to adjourn the meeting; Board Member Parsons seconded the motion. All were in favor. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney