



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Meeting Minutes

Monday, March 4, 2024

7:00 pm

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

Board Member Absent: Rick Petzke

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 February 5, 2024 meeting minutes. Hearing no comments, Board Member French made a motion to accept the minutes of February 5, 2024 as presented; Vice Chairwoman 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 Tracy Warner whose term expires April 2024. Chairwoman Peterson made a motion to recommend to the Town Board to re-appoint Tracy Warner to the Planning Board for another term to expire April 2031; Board Member French seconded the motion. No discussion on the motion. All in favor.

AYES: French, Hastings, Parsons, Peterson

NOES: None

ABSENT: Petzke

ABSTAIN: Warner

MOTION CARRIED.

Public Hearing - Special Use Permit of David Zamora Leon to operate a restaurant in an existing building located at 805 Pennsylvania Avenue, Elmira, New York
Tax map #99.19-2-76
Zoned Commercial Regional

The applicant explained that they will open a restaurant in an existing building in April. Hours of operation will be as presented on the application.

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 7:05 p.m. and was turned back over to the Planning Board.

Vice Chairwoman Warner left the meeting at 7:06 p.m.

Hearing no other comments from the Board, Board Member French made a motion to accept the Special Use Permit as presented; Chairwoman Peterson seconded the motion. There was no discussion on the motion. 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. 001-2024 PB

SPECIAL USE PERMIT GRANTED TO DAVID ZAMORA LEON TO OPERATE A RESTAURANT IN AN EXISTING BUILDING LOCATED AT 805 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #99.19-2-76 ZONED COMMERCIAL REGIONAL

Resolution by: French
Seconded by: Peterson

WHEREAS, on or about January 12, 2024, David Zamora Leon submitted an application to the Code Enforcement Officer for Special Use Permit approval from the Town of Southport Planning Board to operate a restaurant in an existing building located at 805 Pennsylvania Avenue, Town of Southport, tax map #99.19-2-76 zoned Commercial Regional; and

WHEREAS, the application was submitted to the Town Planning Board and defined as a Restaurant, Standard per the Town Code Chapter 525-5 Definitions; and

WHEREAS, the Town Planning Board held a duly noticed meeting on February 5, 2024 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on March 4, 2024 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 for the Special Use Permit of David Zamora Leon to operate a restaurant in an existing building located at 805 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.

AYES: French, Hastings, Parsons, Peterson

ABSENT: Petzke, Warner

NOES: None

MOTION CARRIED.

Vice Chairwoman Warner returned to the meeting at 7:09 p.m.

Next was to review the Site Plan of Teamster Local 118 to operate an office in an existing building located at 1014 Pennsylvania Avenue, Elmira, New York, tax map #109.06-4-22, zoned Commercial Neighborhood.

Belinda Combs, Business Agent for Teamster Local 118, presented the application. She explained that they are relocating their Elmira office to Southport. There will be no changes to the exterior of the building. They may install decals on the windows. Hours of operation will be 6:00 a.m. to 10:00 p.m. Monday through Friday and occasional weekends.

There were no comments from the Board. Chairwoman Peterson set a public hearing for Monday, April 1, 2024 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was to review the Site Plan of Sonbyrne Sales Inc. to construct a new retail store and fueling facility located at 1151 Broadway, Elmira, New York, tax map #109.10-2-21, zoned Commercial Regional.

Christian Brunelle, Senior Executive Vice President with Byrne Dairy, presented the application. He presented a modification to the Site Plan application. He explained the new survey map and the revised NYSDOT right-of-way. The lot is .77 acres with 262 feet of frontage along Broadway and 196 feet of frontage along Pennsylvania Avenue. A convenient food market is a permitted use under the Town's zoning.

The building will be 4,232 square feet with front and side porches on the South and East sides. The fuel canopy will have three fuel dispensers with six fueling positions. There will be 20 parking spaces. There will be pedestrian access. The dumpster will be enclosed with chain link fencing with PVC slatting. The building color will be "Aged Ivory" with a green roof. A driveway permit will be obtained from Chemung County who has jurisdiction for curb cut. The proposed driveways will be reduced for traffic flow. Signs will be installed per Town Code.

The Board discussed having a sidewalk striped on the Broadway side of the property and asked if there would be electric vehicle charging stations. Mr. Brunelle stated that they would add a striped sidewalk to their property on the Broadway side and but there will not be any electric charging stations.

With the revised survey, the applicant must now apply for an Area Variance from the Board of Appeals for relief on the Maximum Lot Coverage percentage. The current site has a lot coverage of 98% impervious, meaning pavement and building. Mr. Brunelle explained that they will add more green space to the R-O-W.

Mr. Brunelle will have a lighting plan with fixtures for the next Planning Board meeting on April 1, 2024.

The Board discussed a traffic study. Mr. Brunelle stated that the trip generation is 105 in the morning and 94 at night. The scope of work for the traffic study will be for accidents on Broadway. The Board's concerns are congestion, pedestrian safety, and accidents. Mr. Brunelle will request a three-year accident history from Chemung County DOT.

There were no further comments from the Board. Chairwoman Peterson set a public hearing for Monday, May 6, 2024 at 7:00 p.m. or as soon thereafter as it can be heard.

Hearing no other comments from the Board, Board Member French made a motion declaring Lead Agency for SEQRA; Chairwoman Peterson seconded the motion. No discussion on the motion. The project is classified as an Unlisted Action with an Uncoordinated Review under the State Environmental Quality Review Act (SEQRA).

Resolution No. 002-2024 PB

**Resolution of Intent to Act as Lead Agency for
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
Review of the Project Identified as
Sonbyrne Sales Inc.**

Resolution by: French
Seconded by: Peterson

WHEREAS, the Town of Southport, New York (the “Town”) has received a site plan from Sonbyrne Sales Inc. (the “Applicant”), seeking approval to construct a new retail store and fueling facility (the “Project”), on certain real property located at 1151 Broadway, tax parcel #109.10-2-21 in the Town of Southport, County of Chemung, State of New York; and

WHEREAS, said application plan was submitted together with a SEQRA Short 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

WHEREAS, the Town Planning Board has jurisdiction over the Application because the Project requires site plan approval; and

WHEREAS, the Town Planning Board has determined, in accordance with 6 NYCRR 617.6, that: (i) the proposed Project appears to be an Unlisted Action under SEQRA; (ii) uncoordinated SEQRA review shall be undertaken; and (iii) the Town Planning Board is willing to act as Lead Agency for purposes of said review.

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

Next the Board discussed using a script for public hearings. Attorney Dorritie will send a draft to the Board for their review.

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 8:00 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney