

Original on File with Town Clerk

cc: Planning Board Members
Town Board Members
All Town Departments

December 3, 2007

Minutes of the Regular Meeting of the Town of Southport Planning Board held at the Town of Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York, on December 3, 2007 at 7:00 pm.

MEMBERS PRESENT: Chairman John Scida, Michael Manzari, Frank May, Daniel Smith, Linda Taft, Linda Olthof, Vice Chairman Michael Stephens

MEMBERS ABSENT: None

OTHERS PRESENT: Code Enforcement Officer Peter Rocchi, Attorney Steven Barnstead, Town Supervisor David Sheen, Councilperson Kathy Szerszen, Councilperson Etta Dewey

Chairman Scida called the meeting to order at 7:00 pm.

The Regular Meeting Minutes of November 5, 2007 were accepted as presented.

The Special Meeting Minutes of November 12, 2007 were accepted as presented.

SITE PLAN REVIEW APPLICATION – JOHN & SHARON BACON

Site Plan Review application from John and Sharon Bacon, owners of Chemung Soft Water Service, Inc. to relocate their business from 1638 Pennsylvania Ave., Pine City, NY to 1144 Broadway, Elmira, NY (former Farmer's Garden Center). Property is zoned Commercial 2.

DISCUSSION

Linda Olthof stated that the site had been previously set-up correctly and that she had no concerns.

Mike Stephens questioned signage.

The applicants responded by stating that they would probably use the existing sign eventually and at that time would comply with all code regulations.

Chairman Scida indicated that he would like to see more precise hours of operation, otherwise he had no other concerns with the application.

All other members of the Planning Board stated that they also had no concerns.

The SEQR is declared an unlisted action.

Motion made by Frank May to accept the Site Plan application as presented with the following changes:

1. hours of operation to be 8:00 am to 6:00 pm Monday thru Friday and Saturday 10:00 am to 3:00 pm

RESOLUTION NO. 23-2007 PB

SITE PLAN APPLICATION APPROVAL GRANTED TO JOHN AND SHARON BACON, OWNERS OF CHEMUNG SOFT WATER SERVICE, INC. TO RELOCATE THEIR BUSINESS FROM 1638 PENNSYLVANIA AVENUE TO 1144 BROADWAY (FORMERLY FARMER'S GARDEN CENTER)

Resolution by: F. May
Seconded by: L. Taft

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan application from John and Sharon Bacon, owners of Chemung Soft Water Service, Inc., to relocate their business from 1638 Pennsylvania Avenue, Pine City, NY to 1144 Broadway, Elmira, NY (former Farmer's Garden Center) Town of Southport, Chemung County, Tax Map Identification Number 109.10-1-8, and

WHEREAS, the Site Plan application was referred to the Planning Board of the Town of Southport pursuant to Chapter 431, Article 1 and 3 of the Municipal Code of the Town of Southport, and

WHEREAS, after due deliberation and review, it is

RESOLVED, that the Planning Board of the Town of Southport hereby grants Site Plan Review approval to John and Sharon Bacon, owners of Chemung Soft Water Service, Inc., to relocated their business from 1638 Pennsylvania Avenue, Pine City, NY to 1144 Broadway, Elmira, NY (former Farmer's Garden Center) Town of Southport, Chemung County, Tax Map Identification Number 109.10-1-8 as presented with the following changes:

1. hours of operation to be 8:00 am to 6:00 pm Monday thru Friday and Saturday 10:00 am until 3:00 pm

AYES: M. Manzari, F. May, L. Olthof, D. Smith, M. Stephens, L. Taft, J. Scida
NOES: None
ABSENT: None
CARRIED.

"OTHER BUSINESS" – NEW 2008 PB MEETINGS & AGENDA DEADLINES

Planning Board members reviewed the new schedule and all were comfortable with enacting it to enable Code Enforcement Officer Pete Rocchi to enforce the deadlines. **Motion** made by Dan Smith to accept the new 2008 Town of Southport Planning Board Meetings and Agenda Deadline Schedule.

AYES: M. Manzari, F. May, L. Olthof, D. Smith, M. Stephens, L. Taft, J. Scida
NOES: None
ABSENT: None
CARRIED.

7:15 PM PUBLIC HEARING – SPECIAL PERMIT & SITE PLAN REVIEW

application from William Pedrick to allow mechanical work to be performed by tenants at his warehouse facilities located at 801- 809 Hazel Street. Property is zoned Commercial 2.

Attorney Barnstead read the legal notice as published in the Star Gazette, recognized the Affidavit of Mailing to the adjoining property owners and then opened the hearing to public comment.

DISCUSSION

Mr. Pedrick read a detailed statement as to make clear his intentions for this Special Permit. He stated that the warehouses on his property have been a tremendous financial burden to him and his family over the years. Allowing tenants to perform mechanical work on vehicles when renting his warehouses would enable him to attract a more viable tenant. He noted some of his neighbors concerns and then assured them that as a long standing resident of this community he intends to be a responsible landlord and has no intentions of renting inappropriately to individuals that would not adhere to the lease agreement that accompanies the presented application. He also stated that the young tenants that seemed to have been a major concern to the neighbors are no longer renting his buildings.

Michael Smith, residing at 786 Cedar St., Director of Fire and Emergency Management for Chemung County (also former Chief of the Southport Fire Department) wished to clarify his position relative to the fire safety of the community based upon the use of these buildings. Mr. Smith stated that with his training and experience, in the case of a possible fire within these buildings, he expects the outcome for Mr. Pedrick would likely be catastrophic but had no concerns as to the rest of the neighborhood being otherwise affected beyond normal expectations.

Lisa Evans residing at 806 Hazel St., Dwight Spear 760 Hazel St., Ed Locke residing at 820 Hazel St., Betty Swanson residing at 811 Hazel St., Mike Plaisted residing at 763 Hazel St., and Jim Graham residing at 770 Cedar St. all expressed their support for Mr. Pedrick's plight.

Quentin Halm residing at 824 Hazel St., stated that originally he and some of his neighbors were concerned about noise and racing cars generated by the tenants, but after speaking with Mr. Pedrick and hearing his intentions he feels that if Mr. Pedrick is willing to comply to all laws and regulations he would be supportive. Mr. Halm also applauded Councilperson Etta Dewey for being proactive as a representative of the Town and trying to assure that the community remain as safe as possible.

Mike McDonald residing at 823 Hazel St., stated that originally he also had concerns with the young tenants activities that took place after they left the buildings (noise and racing cars) but at this time he has no concerns other than establishing hours of operation for welding and vacating the premises.

Mike Silvia residing at 804 Cedar St., stated that he was in charge of the young tenants who were formerly renting the buildings and feels that Mr. Pedrick's original efforts to give these young men an opportunity to work on their vehicles within his buildings as opposed to "in the streets" should be recognized and not criticized. Mr. Silvia further stated that although these tenants no longer rent from Mr. Pedrick, he still remains supportive of this issue.

Officer Patrick Combs, Chemung County Deputy Sherriff, indicated that he investigated concerns from neighbors regarding loud exhaust, music, and possible unlawful activity by the former young tenants. He discovered that upon visiting the property, he was welcomed by the tenants and they appeared to be fairly decent kids. Deputy Combs noted that after speaking with these kids regarding adhering to the speed limit on the streets, curbing their loud mufflers and music he no longer heard any other complaints from the neighbors. He indicated that there is very little for teenage kids to do in this area and that Mr. Pedrick's original efforts were admirable.

Mrs. Etta Dewey, Town of Southport Councilperson, responded to a portion of Mr. Pedrick's statement regarding her involvement in this issue. She stated that during a discussion with Mr. Pedrick, she suggested that when going before the Planning Board he should keep in mind the surrounding neighbors' concerns and also think about limiting the hours involved. She also expressed that she would like to clarify why and how she had responded to some of the neighbors concerns. She stated that she followed protocol (phoning Code Enforcement Officer Pete Rocchi) upon receiving a complaint regarding noise at Mr. Pedrick's property. She then called Officer Combs due to her concern for Mr. Rocchi not knowing the situation. She further stated that her main concerns are ownership of property (that all owners had given permission to the application) and to specifically identify the parcels/warehouses involved.

Kenneth Stump, 914 Sycamore St., confirmed that he had called Mrs. Dewey regarding the cars and noise situation at Mr. Pedrick's property and due to the previous other problems on that street felt it necessary to be looked into.

At the conclusion of the public comments, Attorney Barnstead turned the meeting over to the Planning Board.

Mike Manzari questioned Mr. Pedrick whether or not he had a tenant at present.

Mr. Pedrick responded by stating that he did not have a tenant in the section of the warehouses {closes to} 801 Hazel Street. The structure is a very large three (3) bay garage, capable of housing about 3 tractor trailers and there are some cars in storage in that section at this time.

Mr. Pedrick explained that the 801 Hazel St. property's garage is actually off of Thompson St. due to it being a corner lot and that the building goes all the way back and each of the buildings intersect and go over the other lot lines - 803, 805, 807 & 809 are all covered in that area.

Mike Stephens questioned if there is an area for welding or body work/painting.

Mr. Pedrick stated that there is no 220 outlet to allow for welding and as for body work and such he referred to the very restrictive lease agreement

Linda Taft concurred that the lease agreement seems to be very concise and has no concerns.

Frank May along with Dan Smith originally had the very same concerns as some of the surrounding neighbors but after reviewing the situation decided that there were no concerns at this time.

Chairman Scida turned to Attorney Barnstead for advisement and clarity regarding the fact that there is no tenant at this time (the legality of granting a Special Permit for something that is not taking place at present).

Attorney Barnstead explained that the Planning Board is actually recommending the Special Permit only under Mr. Pedrick's authority as long as he owns the building.

SEQR declared an unlisted action.

The Board then established the hours of operation.

Motion made by Dan Smith to accept Site Plan application as presented with the following stipulations:

1. Hours of operation to be – Monday thru Thursday - 7:00am to 9:00pm
Friday - 7:00am to 11:00pm
Saturday - 9:00 to 11:00pm
Sunday - 9:00am to 9:00pm
2. All mechanical work of any type be restricted to inside the buildings and to mirror Mr. Pedrick's Lease Agreement.

RESOLUTION NO. 23-2007 PB

SITE PLAN APPLICATION APPROVAL GRANTED TO WILLIAM W. PEDRICK TO ALLOW MECHANICAL WORK TO BE PERFORMED BY TENANTS AT HIS WAREHOUSE FACILITIES LOCATED AT 801-809 HAZEL STREET

Resolution by: D. Smith
Seconded by: M. Stephens

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan application from William W. Pedrick to allow mechanical work to be performed by tenants at his warehouse facilities located at 801-809 Hazel Street, Elmira, New York, Town of Southport, Chemung County, Tax Map Identification Numbers 073600 109.06-2-1, 109.06-2-85 and 109.06-2-86, all zoned Commercial 2, and

WHEREAS, the Site Plan application was referred to the Planning Board of the Town of Southport pursuant to Chapter 431, Article 1 and 3 of the Municipal Code of the Town of Southport, and

WHEREAS, after due deliberation and review, it is

RESOLVED, that the Planning Board of the Town of Southport hereby grants Site Plan approval to William W. Pedrick to allow mechanical work to be performed by tenants at his warehouse facilities located at 801-809 Hazel Street, Elmira, New York, Town of Southport, Chemung County, Tax Map Identification Numbers 073600 109.06-2-1, 109.06-2-85 and 109.06-2-86 as presented with the following stipulations:

1. Hours of operation to be – Monday thru Thursday - 7:00am to 9:00pm
Friday – 7:00am to 11:00pm
Saturday – 9:00am to 11:00pm
Sunday – 9:00am to 9:00pm
2. All mechanical work of any type be restricted to inside the buildings and to mirror Mr. Pedrick's Lease Agreement.

AYES: M. Manzari, F. May, L. Olthof, D. Smith, M. Stephens, L. Taft, J. Scida
NOES: None
ABSENT: None
CARRIED.

Motion made by Dan Smith to recommend Town Board grant Special Permit request as presented with the same Site Plan stipulations as follows:

1. Hours of operation to be - Monday thru Thursday – 7:00am to 9:00pm
Friday – 7:00am to 11:00pm
Saturday – 9:00am to 11:00pm
Sunday – 9:00am to 9:00pm
2. All mechanical work of any type be restricted to inside the buildings and to mirror Mr. Pedrick’s Lease Agreement.

RESOLUTION NO. 24-2007 PB

RECOMMEND TOWN BOARD GRANT SPECIAL PERMIT TO WILLIAM W. PEDRICK ALLOWING MECHANICAL WORK TO BE PERFORMED BY TENANTS AT HIS WAREHOUSE FACILITIES LOCATED AT 801-809 HAZEL STREET

Resolution by: D. Smith
Seconded by: M. Stephens

WHEREAS, the Code Enforcement Officer of the Town of Southport referred the Special Permit request of William W. Pedrick to allow mechanical work to be performed by tenants at his warehouse facilities located at 801-809 Hazel Street, Elmira, New York, Town of Southport, Chemung County, Tax Map Identification Numbers 073600 109.06-2-1, 109.06-2-85 and 109.06-2-86, all zoned Commercial 2, and

WHEREAS, that application was referred to the Planning Board of the Town of Southport pursuant to the Town of Southport Municipal Code, and

WHEREAS, the Planning Board of the Town of Southport caused to be conducted a public hearing on Monday December 3, 2007 at 7:15 pm, after due posting and publication of the same was made, and the applicant presenting an Affidavit of Mailing affirming that notice of such public hearing was mailed to all property owners within two hundred feet of said property, 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 an opportunity to do so, and after due deliberation, investigation and consideration, it is hereby

RESOLVED, that the Planning Board of the Town of Southport recommend the Town Board of the Town of Southport approve the Special Permit request of William W. Pedrick allowing mechanical work to be performed by tenants at his warehouse facilities located at 801-809 Hazel St., Elmira, New York, Town of Southport, Chemung County, Tax Map Identification Number 073600 109.06-2-1, 109.06-2-85 and 109.06-2-86 with the following stipulations:

1. Hours of operation to be – Monday thru Thursday – 7:00am to 9:00pm
Friday – 7:00am to 11:00pm
Saturday – 9:00am to 11:00pm
Sunday – 9:00am to 9:00pm
2. All mechanical work of any type to be restricted to inside the buildings and to mirror Mr. Pedrick's Lease Agreement.

AYES: M. Manzari, F. May, L. Olthof, D. Smith, M. Stephens, L. Taft, J. Scida
NOES: None
ABSENT: None
CARRIED.

Chairman Scida thanked everyone in attendance and called for a motion to adjourn.

Motion to Adjourn: M. Stephens
Seconded by: M. Manzari

The meeting was adjourned at 8:20 pm.

Respectfully submitted by

Jacquelyn L. French, secretary