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cc: Planning Board Members
Town Board Members
All Town Departments

March 3, 2008

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 March 3, 2008 at 7:00 pm.

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

MEMBERS ABSENT: Chairman John Scida

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

In Chairman John Scida's absence, Vice Chairman Michael Stephens called the meeting to order at 7:00 pm.

The Regular Meeting Minutes of February 4, 2008 were accepted as presented.

The first item on the Agenda was moved until later in the meeting due to the representative for the Cemetery being enroute.

SITE PLAN REVIEW APPLICATION – WAYNE DENSON

Site Plan Review application from Wayne Denson to add five (5) buildings to his storage business located at 2147 S. Broadway. Property is zoned Industrial 2.

DISCUSSION

Mike Manzari questioned as to whether the Fire Dept. had adequate access to the property. His concern being the layout and traffic flow of this plan, noting that this question seems to be coming up more and more involving plans of this nature.

Mr. Denson explained that the driveways were large enough to accommodate emergency vehicles.

Mike Stephens noted that the dimensions on the drawing did not indicate how much space there was between building #4 and the existing 30' by 140' building.

Mr. Denson recognized the omission and stated that from one corner to the other corner there would be about 30 to 40 feet in between.

Dan Smith also questioned the spacing, specifically between the two storage buildings #4 and #5, and also asked what type of construction material was being used.

Mr. Denson replied that there would be no more that 6 feet between those two buildings and would be built using all metal material.

Linda Olthof was concerned with having a firm surface going to the pole building to support recreational vehicles.

Mr. Denson stated that there would be crushed stone around all of the buildings.

The SEQR is an unlisted action.

Motion made by Dan Smith to accept the Site Plan as presented.

RESOLUTION NO. 6-2008 PB

SITE PLAN APPROVAL GRANTED TO WAYNE DENSON TO ADD FIVE (5) BUILDINGS TO HIS STORAGE BUSINESS LOCATED AT 2147 S. BROADWAY

Resolution by: D. Smith
Seconded by: L. Taft

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan Review application from Wayne Denson to add five (5) buildings to his storage business located at 2147 South Broadway, Pine City, New York, Town of Southport, Chemung County, Tax Identification Number 073600 109.00-1-11, 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 Wayne Denson to add five (5) buildings to his storage business located at 2147 South Broadway, Pine City, New York, Town of Southport, Chemung County, Tax Identification Number 073600 109.00-1-11 as presented.

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

SITE PLAN REVIEW APPLICATION – LAURA J. PATTON

Site Plan Review application from Laura J. Patton to operate a therapeutic massage practice, d/b/a/ In Touch Therapeutic Massage, located at 1138 Broadway. Property is zoned Commercial 2 and Residential 2.

DISCUSSION

Ms. Patton stated that she is NYS licensed and would practice therapeutic massage for stress reduction.

All Board members were concerned with lack of handicap access to the building.

Mr. Rocchi stated that the issue has been addressed with Bonnie Balok (the owner) regarding the requirement of another occupant and enforcement is in the process.

Ms. Patton stated that her equipment is mobile enabling her to go to a client's home if necessary.

Mike Stephens clarified the zoning on this Site Plan as currently Commercial 2.

The Board had no other concerns.

The SEQR is an unlisted action.

Motion made by Linda Olthof to accept the Site Plan application as presented.

RESOLUTION NO. 7-2008 PB

SITE PLAN APPROVAL GRANTED TO LAURA J. PATTON TO OPERATE A THERAPEUTIC MASSAGE PRACTICE, D/B/A IN TOUCH THERAPEUTIC MASSAGE, LOCATED AT 1138 BROADWAY

Resolution by: L. Olthof

Seconded by: L. Taft

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan Review application from Laura J. Patton to operate a therapeutic massage practice, d/b/a In Touch Therapeutic Massage, located at 1138 Broadway, Elmira, New York, Town of Southport, Chemung County, Tax Map Identification Number 073600 109.10-1-5, 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 Laura J. Patton to operate a therapeutic massage practice, d/b/a In Touch Therapeutic Massage, located at 1138 Broadway, Elmira, New York, Town of Southport, Chemung County, Tax Map Identification Number 073600 109.10-1-5, zoned Commercial 2 as presented.

AYES: M. Manzari, F. May, L. Olthof, D. Smith, L. Taft, M. Stephens

NOES: None

ABSENT: J. Scida

CARRIED.

SITE PLAN REVIEW APPLICATION – CHERIE MIDDAUGH

Site Plan Review application from Cherie Middaugh to sell livestock feed and hay from structure built on her father’s (Fredrick Peyton) property. (Zoning Board of Appeals again granted a use variance on 2/22/08). Property is zoned Agricultural 1.

DISCUSSION

Cherie Middaugh stated to the Board that she would no longer be erecting a barn, instead just a 12’ by 24’ structure. The existing barn will only be used for storage of the feed and hay and not for use by the general public. No customers will be allowed to enter the barn (due to State regulation dictating Commercial buildings), just she and her father will enter the barn to retrieve the product for sales and delivery. The new (12’x24’) structure will be for customers to do business (i.e. order product).

Atty. Barnstead noted that the barn still needs to meet zoning requirements and must be taken in consideration for Site Plan approval.

The Board questioned parking, building materials, signage, lighting, and other pertinent issues.

Ms. Middaugh answered all questions with satisfaction to most board members.

Frank May along with Mike Stephens expressed that the drawing was, once again, not as concise as should be when presenting to the Board for review. The anticipation of the Planning Board is for the applicant to be “rock solid” with the actual plan for the site. After lengthy discussion and further explanation of the plan/drawing, Mike Stephens summarized the review.

Motion made by Dan Smith to accept the Site Plan application as presented/resubmitted contingent upon the quality of building materials used for the new 12’ by 24’ structure.

RESOLUTION NO. 8-2008 PB

SITE PLAN APPROVAL GRANTED TO CHERIE MIDDAUGH TO SELL LIVESTOCK FEED AND HAY FROM STRUCTURE BUILT ON HER FATHER’S (FREDRICK PEYTON) PROPERTY LOCATED AT 104 COMFORT HILL RD.

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

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan Review application from Cherie Middaugh to sell livestock feed and hay from a structure built on her father’s (Fredrick Peyton) property located at 104 Comfort Hill Rd., Pine City, New York, Town of Southport, Chemung County, Tax Map Identification Number 073600 127.0-1-18, 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 Cherie Middaugh to sell livestock and hay from a structure built on her father's (Fredrick Peyton) property located at 104 Comfort Hill Road, Pine City, New York, Town of Southport, Chemung County, Tax Map Identification Number 073600 129.0-1-18 contingent upon the quality of building materials used for the new 12' by 24' structure.

AYES: M. Manzari, L. Olthof, D. Smith, L. Taft

NOES: F. May, M. Stephens

ABSENT: J. Scida

CARRIED.

SPECIAL PERMIT & SITE PLAN REVIEW – ST. PETER'S & ST. PAUL'S CEMETERY EXPANSION

Special Permit and Site Plan Review application from Vincent P. Pietrzak, RLA to initiate the expansion of St. Peter's and St. Paul's Cemetery located along Sharr Avenue and Stacia Drive. Property is zoned Residential 2.

DISCUSSION

Mr. Pietrzak, architect retained by St. Peter's and St. Paul's Cemetery, described to the board the proposed plan of developing an adjoining parcel of land for 3290 burial plots. Mr. Pietrzak also explained how the drainage situation would be addressed and further stated that tonight was to introduce the project to the Planning Board and deliver the Stormwater report and drawings for the technical review.

Code Enforcement Officer Pete Rocchi stated that the Stormwater plan would be reviewed by the drainage consultant and would be reported back to the Planning Board. Mike Manzari questioned vault requirements, whether a review engineer is necessary and the financial resources to maintain the cemetery (referring to the long-term financial situation as to not have the Town again "take over" another cemetery).

Mr. J. Arthur Kieffer, a representative of St. Peter's and St. Paul's Cemetery, stated that there is an account set up for perpetual care.

Atty. Barnstead explained that there is a requirement under New York State Law that cemeteries provide for perpetual care (a percentage of the lot sales are to be set aside). The Planning Board requested a financial statement be presented at the public hearing for review assuring the State's requirements.

A Public Hearing is scheduled for Monday April 7, 2008 at 7:15 pm.

SITE PLAN REVIEW APPLICATION – TIMOTHY HARSH

Site Plan Review application from Timothy Harsh to operate gunsmith shop located at 1491 Caton Avenue. (Zoning Board of Appeals granted a use variance on 2/20/08).

Property is zoned Residential 3.

DISCUSSION

Mr. Timothy Harsh stated that his plan is to open a gunsmith shop for sales and repair service with a future plan to include the sales of bows and arrows.

He plans to tear down the existing garage and build a new one approximately in the same location.

Mr. Donald Harsh (applicant's father) described the building materials and assured the Board that construction will be in compliance with all state and town building codes.

Frank May questioned the security of the site.

Dan Smith questioned hours of operation.

Mike Stephens questioned parking, signage and lighting.

Mr. Harsh addressed all questions to the satisfaction of the Board.

Mike Manzari felt that the site should have a "buffer" for the surrounding neighbors.

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

1. erect stockade fencing along property line on eastern boundary running from the road to the back of the building.

RESOLUTION NO. 9-2008 PB

SITE PLAN APPROVAL GRANTED TO TIMOTHY HARSH TO OPERATE A GUNSMITH SHOP LOCATED AT 1491 CATON AVENUE (ZBA GRANTED A USE VARIANCE ON 2/20/2008)

Resolution by: F. May
Seconded by: M. Manzari

WHEREAS, the Code Enforcement Officer of the Town of Southport received a Site Plan Review application from Timothy Harsh to operated a gunsmith shop located at 1491 Caton Avenue, Elmira, New York, Town of Southport, Chemung County, Tax Map Identification Number 073600 109.7-4-40, property zoned Residential 3, 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 Timothy Harsh for operation of a gunsmith shop located at 1491 Caton Avenue, Elmira, New York, Town of Southport, Chemung County, Tax Map Identification Number 073600 109.7-4-40, property zoned Residential 3, with the following stipulation:

1. erect stockade fencing along property line on eastern boundary running from the road to the back of the building.

AYES: M. Manzari, F. May, L. Olthof, D. Smith, L. Taft, M. Stephens

NOES: None

ABSENT: J. Scida

CARRIED.

“OTHER BUSINESS”

Linda Olthof mentioned that a resident asked her whether the Planning Board would address the issue of a small wind tower to provide electricity to a cow barn.

Officer Rocchi stated that with the new zoning a variance would be necessary, therefore she would go to the Zoning Board of Appeals.

Motion to Adjourn: L. Olthof

Seconded by: L. Taft

The meeting was adjourned at 8:20 pm.

Respectfully submitted by

Jacquelyn L. French, secretary