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cc: Planning Board Members  
Town Board Members  
All Town Departments

October 1, 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 October 1, 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 Consultant Ann Clarke, Councilperson Joseph Roman, Councilperson Kathy Szerszen, Councilperson Etta Dewey

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

The Regular Meeting Minutes of August 6, 2007 were accepted as presented.

**SITE PLAN REVIEW APPLICATION – BETTY TOLSON**

Site Plan application from Betty Tolson to operate a retail business consisting of women's apparel d/b/a "The Elegant Lady" located at 1132 Broadway Avenue. Property is zoned Commercial 2.

**DISCUSSION**

Pete Rocchi expressed no concerns with the application.

John Scida questioned the hours of operation, the number of employees and the parking situation.

Ms. Tolson responded by noting the hours stated in the application (9:00 am – 8:00 pm Monday – Saturday), also that she is sole proprietor with no employees and that the site consists of five (5) off street parking spaces.

The remaining board members had no further concerns.

Chairman Scida addressed the SEQRA with all questions declared as negative, conforming to the requirements and concluding it to be a type 2 action.

**Motion** made by Mike Stephens to accept the Site Plan application as presented with no restrictions.

**RESOLUTION NO. 17-2007 PB**

**SITE PLAN APPLICATION APPROVAL GRANTED TO BETTY TOLSON TO OPERATE A RETAIL BUSINESS CONSISTING OF WOMEN'S APPAREL D/B/A "THE ELEGANT LADY" LOCATED AT 1132 BROADWAY AVENUE**

**Resolution by: M. Stephens**  
**Seconded by: M. Manzari**

**WHEREAS**, the Code Enforcement Officer of the Town of Southport received a Site Plan application from Betty Tolson to operate a retail business consisting of women's apparel d/b/a/ "The Elegant Lady" located at 1132 Broadway Avenue, Elmira, New York, Town of Southport, Chemung County, Tax Identification Number 073600 109.10-1-2, 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 Review approval to Betty Tolson to operate a retail business consisting of women's apparel d/b/a "The Elegant Lady" located at 1132 Broadway Avenue, Elmira, New York, Town of Southport, Chemung County, Tax Identification Number 073600 109.10-1-2, and the SEQR being a type 2 action.

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

**SPECIAL PERMIT & SITE PLAN REVIEW APPLICATION – DR. DAILEY**

Special Permit & Site Plan Review application submitted by Dr. Edward Dailey for relocation of his dental practice from it's current location at 907 Pennsylvania Avenue to property located at 1268 Maple Avenue, 1270 Maple Avenue and 394 Raecrest Circle. Property is zoned Residential 2.

**DISCUSSION**

There was a brief discussion as to if and how all three (3) parcels should/could be combined into one parcel.

Attorney Barnstead stated that it could in fact be combined and that the procedure is fairly a simple one.

Dr. Dailey gave a brief description of the building plans depicting the structure as a single-family home as opposed to an office building.

Lengthily discussion ensued with regard to setback regulations, right of way, proposed location of the driveway and carport, a handicap ramp, lighting, signage, parking, drainage/drywell, privacy fencing and hedge row trees, employees, proposed number of rooms/operatories within the facility, and hours of operation.

Dr. Dailey responded to all of the questions posed by the Board and stated that he would be more than willing to comply to all town regulations.

Chairman Scida requested an engineer's drawing prior to the public hearing.

Dr. Dailey responded by affirming that he would submit the drawings in a timely manner.

After completing Part 2 Short EAF in an uncoordinated review and finding that there would be no significant adverse environmental impacts, the Board determined the SEQRA to be an unlisted action.

The Planning Board set a public hearing for Monday, November 5, 2007 at 7:15 pm.

{ Linda Olthof arrived at 7:30 pm }

### **REFERRAL FROM TOWN BOARD FOR REVIEW AND RECOMMENDATION**

A petition was presented by 56 residents in the location of Southside High School to establish an enforceable ordinance to alleviate the ongoing problem of unruly students congregating in that area and the particular activities existing in that area (i.e. loitering, littering, foul language, destruction of personal property, etc.)

### **DISCUSSION**

After lengthy discussion and review, the Board concluded that the Town would not be capable of enforcing any kind of local law to the extent that would be beneficial or effective to the surrounding residents.

In doing so, the Planning Board recommends, with a **Motion** made by Dan Smith, that the Town Board work closely with the School District's Administration at Southside High School, the City Police, the State Police, the County Sheriff's Department, Southport's Deputy, and all other law enforcement officials in targeting and patrolling the area more closely and enforce the laws and ordinances already in place for the particular activity existing in those areas (littering, loitering, illegal parking, disorderly conduct, vandalism, etc.).

### **RESOLUTION NO. 18-2007 PB**

**RECOMMEND TOWN BOARD WORK CLOSELY WITH THE SCHOOL DISTRICT'S ADMINISTRATION AT SOUTHSIDE HIGH SCHOOL AND ALL OTHER LAW ENFORCEMENT OFFICIALS IN TARGETING THE AREA LOCATED NEAR SOUTHSIDE HIGH SCHOOL TO ALLEVIATE THE PROBLEMS CAUSED BY STUDENTS CONGREGATING IN THE AREA**

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

**WHEREAS**, the Planning Board of the Town of Southport undertook review of a petition submitted to the Town of Southport to establish an enforceable ordinance to alleviate the ongoing problem of unruly students congregating in that area and the particular activities existing in that area (i.e. littering, loitering, illegal parking, disorderly conduct, vandalism, etc), and

**WHEREAS**, after due deliberation and review, it hereby

**RESOLVED**, that the Planning Board of the Town of Southport recommends the Town Board of the Town of Southport work more closely with the Elmira City School District's Administration at Southside High School, the City Police, the State Police, the County Sheriff's Department, the Town of Southport's deputy, and all other law enforcement officials in targeting the area surrounding Southside High School and enforcing the laws and ordinances already in place for the particular activities existing in those areas (i.e. littering, loitering, illegal parking, disorderly conduct, vandalism, etc.)

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

**NOES: None**

**ABSENT: None**

**CARRIED.**

**"OTHER BUSINESS"** to come before the Board –

Southport resident, Mr. Bill Pedrick, addressed the Planning Board for clarification as to whether a Special Permit is required in renting his warehouse, located on Hazel Street, to individuals for storing and possible repair to their vehicles.

After conferring with Code Enforcement Officer Pete Rocchi, Chairman Scida responded by directing Mr. Pedrick to the Southport Zoning Board of Appeals and subsequently adjourned the meeting due the subject matter being outside the terms of the meeting.

**Motion to Adjourn: L. Olthof**

**Seconded by: L. Taft**

The meeting was adjourned at 8:30 pm.

Respectfully submitted by

Jacquelyn L. French, secretary