



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD MEETING MINUTES

**Monday, August 1, 2016**  
**Regular Meeting**

Minutes of a regular meeting of the Town of Southport Planning Board held at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on Monday, August 1, 2016 at 7:00 p.m.

Board Members Present: Larry Berman  
Jacquelyn French  
John Hastings, Alternate Board Member  
Linda Olthof  
Chris Parsons  
Tim Steed, Vice Chairman

Board Members Absent: Michael Stephens, Chairman Stephens  
Linda Taft

Others Present: Steven Barnstead, Town Attorney  
Peter Rocchi, Code Enforcement Officer  
Michelle Murray, Secretary

Vice Chairman Steed called the meeting to order at 7:00 p.m. He asked if the Board Members had any comments, questions, concerns or corrections about the July 5, 2016 minutes. Board Member Parsons commented that the hours of operation for the outdoor venue at Zack's Grill site plan application was noon to midnight. Hearing no other comments, the Board accepted the minutes as presented with the amendment.

**Public Hearing –** Jake and Kadie Reese site plan amendment to host additional events located at 299 Kinner Hill Road, Pine City, NY  
Tax map #126.00-1-24.112  
Zoned Agricultural Residential (AR)

Attorney Barnstead noted that the publication was in order. He read the legal notice of public hearing that appeared in the Star-Gazette. He then opened the public hearing for comment.

Lynn McNett of 284 Kinner Hill Road, Pine City commented that her driveway was across from the entrance to the rodeo and she has to rearrange her Saturdays because of the rodeo traffic on the road. It is difficult to get into her driveway on rodeo days. The speakers are loud and start before 2:00 p.m. and go on past 8:00 p.m. She has lived on Kinner Hill for the past 40 years and enjoys the peacefulness. She is opposed to adding any additional rodeo dates and increasing the times of operation.

The garbage along the road has increased. She questions the security of the neighborhood. There has been a fire in the middle of the night on the hedge row this summer after a rodeo event. She is opposed to any change to the Reese Ranch Rodeo site plan.

Julie Sarsfield of 323 Kinner Hill Road, Pine City lives beside the rodeo. She supports the rodeo and thinks it is a great family fun time. She enjoys the bulls and the rodeo. She was not concerned with the small fire on the hedge row and stated that it could happen in any neighborhood. The rodeo is a good time and is in favor of more events.

Bonnie Youngs of Lower Maple Avenue is in favor of the rodeo and adding events. She is a sponsor of the rodeo. Young children and young adults show interest in the rodeo and participate in the horse show. They are learning the responsibility of taking care of themselves as well as their animal. It is a place for them to go and it is well supervised. She thinks that Kadie and Jake Reese do a great job. Her mother and her friends would like to attend the rodeo. The event is for the young and as well as the old.

Gary Ham of 273 Kinner Hill Road, Pine City lives next to the rodeo, his land borders Reese Ranch Rodeo. The application was approved for Saturdays 2:00 p.m. to 7:00 p.m. and the first rodeo event this year finished at 8:35 p.m. He can hear every announcement from the speakers. Eight events impose on him and he opposes any more events. Garbage continues to be an issue. The fire did burn the hedge row and re-started after 1:00 a.m. He does not want back to back events. He wants his privacy and his country life. The public hearing sign was put out on Sunday or Monday, he did not see it until Monday. He does not want more than the eight events.

Clairmont Ham of 247 Kinner Hill Road, Pine City has lived on Kinner Hill since 1942 and is concerned with the traffic and the lack of regulations. He stated that the Board should get out and see what was going on.

Gretchen Ham of 247 Kinner Hill Road, Pine City has lived there for 61 years. They moved to the country because they like the country. The traffic is an issue along with the speed of trucks hauling horse trailers. She feels it is the wrong place for the rodeo. She does not want the Board to pass anymore than the eight events.

Mickey Mallory of Pine City sees the rodeo as a community event and the Town wants events. There is going to be traffic as there is around schools or the fair grounds. As a community we look for these events, it is a positive thing. She asks the Board to consider more community events because it is better for our Town.

No one else wished to be heard. The Attorney then closed the public portion of the meeting at 7:32 p.m. and turned it over to the Planning Board.

**Public Hearing –** James Biggs site plan to operate an antique shop and flea market located at 1550 Cedar Street, Elmira, NY  
Tax map #109.12-1-10  
Zoned Commercial Regional (CR)

Attorney Barnstead noted that the publication and receipt was required in order to proceed. The Biggs public hearing was postponed until proof of publication was provided.

**Public Hearing –** John Zack site plan to have outdoor venue at Zack's Grill located at 1825 Pennsylvania Avenue, Pine City, NY  
Tax map #127.00-1-15.21  
Zoned Commercial Neighborhood (CN)

Attorney Barnstead noted that the publication was in order. He read the legal notice of public hearing that appeared in the Star-Gazette. He then opened the public hearing for comment.

No one wished to be heard. The Attorney then closed the public portion of the meeting at 7:36 p.m. and turned it over to the Planning Board.

The Board went back to discuss the public hearing for the Reese Ranch Rodeo site plan amendment. They discussed the noise, hours of operation and garbage issues. Attorney Barnstead explained that the zoning law indicates the public hearing notice sign has to be posted prior to the event, there is no time limit. Peter Rocchi, Code Enforcement Officer explained that the sign was posted on Friday the week prior to the meeting.

The Board discussed the SEQR and the impact on the environment such as traffic and the character of the neighborhood. They discussed having the sound tested and that any additional lighting specifications need to be provided before the site plan can be approved. A plot plan showing location of events and location of lights is also required. They want to know how the noise issue would be addressed and mitigated. Several of the Board Members have attended the rodeo.

Jake Reese explained that the volume has been turned down and they have a dumpster for the garbage. Kadie Reese explained that the first rodeo of the year had a huge turnout with 96 horses and it did run over. They explained the additional events would include barrel racing every other weekend, team penning and practice. Later afternoon hours of operation would be better for the animals and not as hot. Current site plan does not specify Saturday's only.

Noise seemed to be the main concern. The zoning ordinance section 525-119 Sound Control explains that

*§525-119. Sound control. Unless specifically authorized in an approved site plan, a use on a lot shall not produce a sound level that exceeds an average of 70 decibels (db) over any twenty-minute period from 8:00 a.m. to 10:00 p.m. and of 55 decibels (db) at all other times and measured at a lot line of the lot.*

The Board tabled the public hearing and requested additional information from the Reese's to be provided by August 17, 2016 for the next meeting to be held on Tuesday, September 6, 2016:

1. Site plan showing where all of the activities will take place on the parcel
2. Noise equipment
3. Lighting – location and height specifications
4. List of events and where they take place on the parcel
5. How they plan to comply with noise thresholds
6. Security or parking changes
7. Garbage in hedge row

Vice Chairman Steed made a motion to table the discussion on the site plan amendment of Jake and Kadie Reese until September 6, 2016 for additional information. Board Member Parsons seconded the motion. No discussion on the motion.

**AYES: Berman, French, Hastings, Olthof, Parsons, Steed**  
**ABSENT: Stephens, Taft**  
**NOES: None**  
**MOTION CARRIED**

The Board went back to discuss the public hearing for John Zack to hold outdoor events at 1825 A Pennsylvania Avenue. Mr. Zack explained he wanted to bring events to the Town of Southport. He provided maps showing the ingress and egress onto the property, location of portable bathrooms, parking spaces and stage location. Hours of operation would be noon to midnight on a Friday, Saturday or Sunday. They would like to have four events per year. Lights would be pole lights.

The Board discussed noise levels and hours of operation. The applicant agreed to reduce the number of events to two events per year instead of four. Hours of operation would be on a Friday or Saturday from 12:00 p.m. to 10:00 p.m. or on a Sunday from 12:00 p.m. to 6:00 p.m.

After no further discussion, Board Member Berman made a motion to approve the site plan as presented with conditions. The SEQR application was declared an unlisted action with negative declaration. Board Member Olthof seconded the motion. Discussion on the motion was the conditions placed on the site plan.

**Resolution No. 003-2016 PB**

**SITE PLAN GRANTED TO JOHN ZACK TO HAVE OUTDOOR EVENTS AT ZACK'S GRILL LOCATED AT 1825 A PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK  
TAX MAP #127.00-1-15.21  
ZONED COMMERCIAL NEIGHBORHOOD (CN)**

**Resolution by: Berman**  
**Seconded by: Olthof**

**WHEREAS**, the Code Enforcement Officer of the Town of Southport received a Site Plan from John Zack to have outdoor events at Zack's Grill located at 1825 A

Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #127.00-1-15.21 zoned Commercial Neighborhood (CN); and

**WHEREAS**, the applicant was referred to the Town of Southport Planning Board pursuant to the Town of Southport Municipal Code; and

**WHEREAS**, it was determined that this was an Unlisted Action and will not have a potentially significant effect on the environment; and

**WHEREAS**, the Town of Southport Planning Board conducted a public hearing on August 1, 2016 at 7:00 p.m., or as soon thereafter, 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 after due deliberation, investigation and consideration it is

**RESOLVED**, that the Town of Southport Planning Board hereby grants approval to the site plan presented by John Zack to have outdoor events at Zack's Grill located at 1825 A Pennsylvania Avenue, Town of Southport, County of Chemung, State of New York, tax map #127.00-1-15.21 zoned Commercial Neighborhood (CN); with the following conditions:

1. Two (2) events per year
2. Hours of events would be a Friday or Saturday 12:00 p.m. to 10:00 p.m. or on a Sunday 12:00 p.m. to 6:00 p.m.
3. Sound level set at 100 decibels at receptor points
4. New lights installed are night sky compliant
5. Permanent fencing installed after second event

**AYES:**           **Berman, French, Hastings, Olthof, Parsons, Steed**

**ABSENT:**       **Stephens, Taft**

**NOES:**           **None**

**MOTION CARRIED**

**Public Hearing –** James Biggs site plan to operate an antique shop and flea market located at 1550 Cedar Street, Elmira, NY  
Tax map #109.12-1-10  
Zoned Commercial Regional (CR)

Attorney Barnstead noted that the publication was in order. He read the legal notice of public hearing that appeared in the Star-Gazette. He then opened the public hearing for comment.

No one wished to be heard. The Attorney then closed the public portion of the meeting at 9:10 p.m. and turned it over to the Planning Board.

The Area Variance for the flea market was approved by the Board of Appeals. The site plan is for both flea market and antique sales. The Board talked about the buffer on the right side of the property from the residential homes and staking out the parking area. No lights would be installed because it would be daytime hours. Hours of operation would be Saturdays from 9:00 a.m. to 4:00 p.m.

After no further discussion, Board Member French made a motion to approve the site plan as presented with conditions. The SEQR application was declared an unlisted action with negative declaration. Board Member Olthof seconded the motion. No discussion on the motion.

**Resolution No. 004-2016 PB**

**SITE PLAN GRANTED TO JAMES BIGGS TO OPERATE AN ANTIQUE SHOP AND A FLEA MARKET LOCATED AT 1550 CEDAR STREET, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK TAX MAP #109.12-1-10 ZONED COMMERCIAL REGIONAL (CR)**

**Resolution by: French**  
**Seconded by: Olthof**

**WHEREAS**, the Code Enforcement Officer of the Town of Southport received a Site Plan from James Biggs to operate an antique shop and flea market located at 1550 Cedar Street, Town of Southport, County of Chemung, State of New York, tax map #109.12-1-10 zoned Commercial Regional (CR); and

**WHEREAS**, the applicant was referred to the Town of Southport Planning Board and Board of Appeals pursuant to the Town of Southport Municipal Code; and

**WHEREAS**, it was determined that this was an Unlisted Action and will not have a potentially significant effect on the environment; and

**WHEREAS**, the Town of Southport Planning Board conducted a public hearing on August 1, 2016 at 7:00 p.m., or as soon thereafter, 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 after due deliberation, investigation and consideration it is

**RESOLVED**, that the Town of Southport Planning Board hereby grants approval to the site plan presented by James Biggs to operate an antique shop and flea market located at 1550 Cedar Street, Town of Southport, County of Chemung, State of New York, tax map #109.12-1-10 zoned Commercial Regional (CR) with the following conditions:

1. Proof submitted to Code Enforcement Office that the legal notice was published
2. Stake out parking area and include 20 spaces for vendors
3. Booths and items would be removed between each event
4. Provide a site plan to Code Enforcement Office showing details on lot

**AYES: Berman, French, Hastings, Olthof, Parsons, Steed**

**ABSENT: Stephens, Taft**

**NOES: None**

**MOTION CARRIED**

Next item on the agenda was review of the site plan application of Steven Anderson to operate a gunsmith business in his home located at 616 Schuyler Avenue, Elmira, New York zoned Residential 2 (R2). Board Member Parsons appreciated and thanked Mr. Anderson for the thorough application. Mr. Anderson explained that this type of business is regulated by Federal and State. If the business grew to need additional employees he would relocate the business.

There were no other comments from the Board. Vice Chairman Steed set a public hearing for Tuesday, September 6, 2016 at 7:00 p.m. or as soon thereafter as it can be heard.

Next item on the agenda was review of the site plan application of RandyLee Ameigh to operate an automotive repair business located at 1121 South Main Street, Elmira, New York zoned Commercial Neighborhood (CN). Mr. Ameigh explained it would be an automotive service center to include light duty brakes, shocks, struts, oil changes, tune-ups and inspections. Body work or painting would not be done. Hours of operation would be Monday through Sunday from 8:00 a.m. to 6:00 p.m. They would use existing lighting that is on the building. Debris would be disposed of. The Board discussed placing the following conditions on the site plan:

1. Obtain proper licenses from the state
2. No storage of vehicles in front setback
3. There would be no outside storage of parts or debris
4. Oil would be disposed of properly

There were no other comments from the Board. Vice Chairman Steed set a public hearing for Tuesday, September 6, 2016 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was review of the site plan application of Dale Gullo to operate a fitness club located at 825 Pennsylvania Avenue, Elmira, New York zoned Commercial Regional (CR). Mr. Gullo explained his intent was to have four classes along with personal training sessions. Hours of operation would be Sunday through Saturday 5:00 a.m. to 9:00 p.m. There are 12 parking spaces available.

There were no other comments from the Board. Vice Chairman Steed set a public hearing for Tuesday, September 6, 2016 at 7:00 p.m. or as soon thereafter as it can be heard.

Other business to come before the Board was discussion of resolution 002-2016 for Mary Pedano of 1019 Pennsylvania Avenue regarding the interpretation of outdoor sales on her site plan application. The Board explained the decision was that no items would be displayed or set up in the front yard for sale. Attorney Barnstead explained that he listened to the recording from that meeting and it was discussed three times there would be no outside sales, once by the Code Officer, once by Mary Pedano and then the resolution from the Planning Board. A letter was sent to Ms. Pedano explaining she could use the front porch for display as that was part of the footprint of the building that was proposed in the site plan application that was submitted. Displays or items for sale in the yard were not on the site plan. If Ms. Pedano would like something different she would need to apply for an amendment to her site plan.

Next the Board discussed a mailing notification by the applicant to the neighbors regarding a site plan. Code Enforcement Officer Peter Rocchi explained that was not required as part of the current zoning. The public hearing sign placed on the property and the legal notice placed in the newspaper is all that is required for a public hearing which is all within the State's requirements for a public hearing. Attorney Barnstead explained that the code reads that the sign needs to be placed prior to a public hearing and it does not give a specific timeframe.

No other business to come before the Board. Board Member Olthof made a motion to adjourn the meeting; Board Member French seconded the motion. All in favor. The meeting was adjourned at 9:50 p.m.

**AYES: Berman, French, Hastings, Olthof, Parsons, Steed**  
**ABSENT: Stephens, Taft**  
**NOES: None**  
**MOTION CARRIED**

Respectfully submitted,

Michelle Murray  
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney