



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

## PLANNING BOARD

### Meeting Minutes

Monday, April 1, 2024

7:00 pm

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

Board Member Absent: None

Others Present: Peter Rocchi, Code Enforcement Officer  
Michelle Murray, Secretary  
Megan Dorritie, Town Attorney  
Dan Hurley, Town Council Member  
Rich Mathews, Town Council Member

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 March 4, 2024 meeting minutes. Hearing no comments, Board Member French made a motion to accept the minutes of March 4, 2024 as presented; Board Member Petzke seconded the motion. All were in favor. The Board accepted the minutes as presented.

**Public Hearing -** 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, explained that they are relocating their Elmira office to Southport. There will be no changes to the exterior of the building. There are five parking spaces.

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 7:02 p.m. and was turned back over to the Planning Board.

Hearing no comments from the Board, Board Member French made a motion to accept the Site Plan as presented; Board Member Parsons 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. 003-2024 PB**

**SITE PLAN GRANTED TO TEAMSTER LOCAL 118 TO OPERATE AN OFFICE IN AN EXISTING BUILDING LOCATED AT 1014 PENNSYLVANIA AVENUE, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.06-4-22 ZONED COMMERCIAL NEIGHBORHOOD**

**Resolution by: French**  
**Seconded by: Parsons**

WHEREAS, on or about January 26, 2024, Belinda Combs, on behalf of Teamster Local 118, submitted an application to the Code Enforcement Officer for Site Plan approval from the Town of Southport Planning Board to operate an office in an existing building located at 1014 Pennsylvania Avenue, Town of Southport, tax map #109.06-4-22 zoned Commercial Neighborhood; and

WHEREAS, the application was submitted to the Town Planning Board and defined as an Office, General Business, per the Town Code Chapter 525-5 Definitions; and

WHEREAS, the Town Planning Board held a duly noticed meeting on March 4, 2024 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on April 1, 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 6NYCRR617.5.18 reuse of commercial structure for permitted use; and after due deliberation, investigation, and consideration it is

RESOLVED, that the Town Planning Board hereby grants approval for the Site Plan of Teamster Local 118 to operate an office in an existing building located

at 1014 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, Petzke, Warner**

**ABSENT: None**

**NOES: None**

**MOTION CARRIED.**

Next was to review the Site Plan of Mike Reese to operate a wrestling fitness facility located at 1495 Cedar Street, Elmira, New York, tax map #109.11-2-13, zoned Commercial Regional.

Mr. Reese explained he would operate a youth wrestling facility in the existing building with existing exterior lighting. He has run the wrestling club for several years. He submitted letters to the Board showing support of the operation. He will change the hours of operation to 10 a.m. to 8 p.m. Monday through Friday. He will have one handicap parking space. He continues to operate the automobile sales at the same location. He will install a sign on the building.

The project is classified as a Type II Action under the State Environmental Quality Review Act (SEQRA). There were no other 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.

Next was to the continued review of 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.

Attorney Dorritie explained that the application was reviewed at last months meeting and the Board inquired about a traffic study which takes time. The public hearing is already scheduled for May 6, 2024.

Christian Brunelle, Senior Executive Vice President with Byrne Dairy, gave an update on the application. He presented changes to the Site Plan application. They have applied for an Area Variance with the Board of Appeals for lot coverage; the public hearing will be held on April 29, 2024 at 7:00 p.m.

Drainage has been added to the site plan. There will be a catch basin and an oil water separator. The site is less than 1 acre disturbed, therefore a SPDES (State Pollutant Discharge Elimination System) or SWPPP (Stormwater Pollution Prevention Plan) is not required. The drainage plan will be approved by Chemung County Public Works.

They have added a 55 foot by 12-foot loading zone in front of the dumpster. The lighting plan was submitted to the Board demonstrating that there will be zero light spillage off the site.

The revised SEQRA was submitted to the Board. The County Planning Board commented that questions 8b, 15 and 16 should be “yes.” 8b Public Transportation, was now marked yes. Question 15 and 16 will remain “no” evidence was submitted with the revised SEQRA. Question 3 Total acreage of the site of the proposed action and the total acreage to be physically disturbed were updated. The right-of-way is included in the disturbed acreage.

The flow of fuel trucks was demonstrated on the drawing. The canopy will be 15 feet clearance. The dumpster enclosure does not pose a line-of-sight issue.

The Traffic Engineer, Gordon Stansbury, presented the preliminary traffic study to the Board. There are no concerns for safety. There were four accidents in the past three years at the intersection.

The Board discussed the setbacks that are per site plan review. The existing fence belongs to Community Bank.

There were no further comments from the Board. Attorney Dorritie mentioned that the public hearing has already been set for Monday, May 6, 2024 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was to review the site plan amendment of Aces & Eights located at 1156 Broadway, Elmira, New York, tax map #109.10-1-25 zoned Commercial Regional.

David Cleary, owner of Aces & Eights General Store, stated that he would like his store to have the same definition as Byrne Dairy, a convenience store that allows 24/7 hours of operation. He would like to add a pole marquee sign.

Code Enforcement Officer Rocchi explained that Aces & Eights original application was submitted and approved as a fueling facility. The Byrne Dairy application was submitted as a convenience store.

Attorney Dorritie explained that the key changes to Mr. Cleary's amendment are hours of operation and adding a sign. She stated that the SEQRA would be classified as Type II.

The Board asked the applicant to provide the location of the sign before the next Planning Board meeting.

Next was review of site plan of Arbor Housing and Development to develop 60 units of senior apartments located at 1205 Plymouth Avenue, Elmira, New York, tax map #109.08-2-51, zoned Commercial Regional.

Jamie Gensel with Fagan Engineers presented the application along with Danielle Kenny with Arbor Development. The concept preliminary plan was presented to the Board. The 2.5 acre parcel will be developed as a 40-unit senior apartment building along with five 4-unit townhouse buildings.

Town Code §525-72 Required off-road parking spaces requires 1.5 parking spaces per unit for a multiunit dwelling. Applicant is seeking a waiver for one space per unit per the Town Code §525-78 Off-road parking waver.

Attorney Dorritie explained that the applicant is requesting:

§525-78. Off-road parking waivers.

Off-road parking requirements may be waived in whole or in part upon finding by the Planning Board that:

C. The applicant documents that the specific use routinely requires fewer parking spaces than those required under this article.

Mr. Gensel asked for clarification of the definition of "Building Height" as defined in §525-5 Definitions. Building Height- The vertical distance measured from the average finished grade to the highest point and to the mean height between the eaves and ridge for a pitched, gable, hip, gambrel and mansard roof.

Mr. Rocchi explained that the elevation is from the middle and is the average.

Attorney Dorritie asked to what extent might there be changes to the site plan.

Ms. Kenny explained that changes depend on the budget and the funding available.

Attorney Dorritie explained that the application is not at the site plan process yet. The waiver for the parking is 1:1 for 60-unit apartments. The Code Officer's interpretation of the building height would be in writing to the applicant. The request for the waiver was made at the meeting, therefore the application will be on the May agenda for further review.

Next was the referral from Town Board to review Local Law No. 1 of 2024, a Six-Month Moratorium Extension of the Temporary 12-month Moratorium for Operating Unlicensed Retail Businesses Involving the Transfer, Distribution, or Sale of Cannabis within the Town of Southport.

Board Member French made a motion that the Town Board extend the Six-Month Moratorium Extension of the Temporary 12-month Moratorium for Operating Unlicensed Retail Businesses Involving the Transfer, Distribution, or Sale of Cannabis within the Town of Southport. Board Member Parsons seconded the motion. No discussion on the motion. All were in favor.

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

Next was the referral from Town Board for the Town Boards support to hire a consultant to assist the Planning Board during the review of the Site Plan to construct a new retail store and fueling facility located at 1151 Broadway, Elmira, New York.

Attorney Dorritie gave context on the referral. It is the Planning Boards discretion to hire an engineer to assist with any of the applications. The Town will absorb the cost since it has done so with past similar projects.

A quote from LaBella Associates was submitted to the Board to help with the Byrne Dairy Site Plan review. The Board agreed to accept the proposal.

Board Member French made a motion that the Planning Board is authorizing the engagement of LaBella Associates as proposed in the professional services agreement to assist with the site plan review for Sonbyrne Sales Inc. to construct a new retail store and fueling facility located at 1151 Broadway, Elmira, NY tax map #109.10-2-21 zoned Commercial Regional. The Chairperson of the Board has the authority to execute any contracts necessary to finalize a Site Plan. Motion was seconded by Board Member Petzke. Board Member Hastings will abstain from the vote.

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

The Board discussed the Letter of Interest from Penny Paige. The Chairwoman explained the attendance and training requirements of Board Members. Board Members Parsons, Warner and Petzke will meet with Ms. Paige Monday, May 6, 2024 at 6:30 p.m.

No other business to come before the Board. Chairwoman Peterson made a motion to adjourn the meeting; Board Member French seconded the motion. All were in favor. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Michelle Murray  
Planning Board Secretary  
Original on file with Town Clerk

cc: Planning Board  
Town Board  
Town Clerk  
Town Attorney