



January 16, 2019

Mr. Peter Rocchi, Code Officer  
Town of Southport  
1139 Pennsylvania Avenue  
Elmira, NY 14904

RE: Proposed Southport Convenience Store & Restaurant  
Concept Plan Submittal  
FE Project #2018-081

Dear Pete:

David and Robert Cleary have retained Fagan Engineers to assist in the planning process for the proposed redevelopment of the former Dixie BBQ site. The proposal is the demolition of the existing structures and the construction of a new 6,200 sf Convenience Store and Restaurant with a fuel station. Enclosed please find the following that constitute a Concept Plan submission:

- One (1) Full Size Concept Plan Drawing,
- Ten (10) Half-Size Concept Plan Drawings, and
- Ten (10) Copies of the Site Plan Application and Short EAF.

We are requesting to attend the February meeting of the Town Planning Board. In the meantime, if you need additional materials or have any questions or comments, please feel free to contact me directly by telephone or email ([Brian.Grose@FaganEngineers.com](mailto:Brian.Grose@FaganEngineers.com)).

Sincerely,

FAGAN ENGINEERS & LAND SURVEYORS, P.C.



Brian M. Grose, EIT  
Staff Engineer

L:\PROJECTS\2018\2018-081\Town PB\Concept Submittal 01-16-2019.doc

ACKNOWLEDGEMENT

I/we hereby certify that I/we have read the instructions and received a copy. I/we understand that a provision of laws and ordinances covering this application will be complied with whether specified or not. Instructions specified here do not presume to give authority to violate or cancel provisions of any other law or local law regulating this application and/or construction or performance of construction relating to this application. I/we understand that I/we cannot operate or start the project applied for herein until such time as the Town of Southport grants approval and all necessary permits are secured.

Applicant signature  Date 1/16/2020  
ON BEHALF OF APPLICANT

Address 360 S. MAIN STREET, ELmira, NY, 14904

Phone (607) 734-4869

SITE PLAN REVIEW APPLICATION

Name of Proposed Development		Southport Convenience Store & Restaurant		Date	01/16/2019
Address 1156 Broadway, Elmira, NY 14904					
Tax Map #109.10-1-25, 27 & 28				Zoning District CR	
Setbacks	Front	Side	Rear		
Describe Project Proposed Redevelopment into a Convenience Store, Restaurant and Fuel Station					

APPLICANT

Name David Cleary		
Address 360 South Main Street		
City Elmira	State NY	Zip 14904
Phone 607.734.4869	Email David@PudgiesPizza.com	

OWNER (if different)

Name		
Address		
City	State	Zip
Phone	Email	

PROPOSAL DATA (must fill in all information)

Days and Hours of Operation	TBD (Not 24 Hours)	
# of Parking Spaces	23	
# of Handicap Parking Spaces	2	
# of Employees	TBD: ~ 5/shift	
# of Vehicles on Lot (automotive business)	N/A	
Handicap Access	ADA	
# of Signs - TBD	Size	Location
Type of Outside Lighting	LED	
Type of Buffer (fence, bushes, etc.)	Fence along north to buffer residential use.	
Disposal of garbage	Dumpster Enclosure	
Disposal of debris	N/A	
Stormwater drainage	On-site	

OTHER PERMITS REQUIRED IF APPROVED

Agency	Permit
Town of Southport Code Enforcement	Operating Permit
Town of Southport Code Enforcement	Building Permit

CERTIFICATION

I (We) hereby make application for a Site Plan Approval declaring that the information contained in this application is accurate and correct to the best of my (our) knowledge, and that property described above and indicated on a Concept/Preliminary/Final Plan is in my (our) legal, uncontested ownership, without any outstanding rights, reservations, or other encumbrances, which could nullify the intended use as shown. I (We) understand that a provision of laws and ordinances covering this application will be complied with whether specified or not. This application does not presume to give authority to violate or cancel provisions of any local law regarding this application, and/or construction regarding this application. I (We) understand that I (We) can not operate or start the project applied for herein until such time as the Town of Southport grants approval and all necessary permits are secured.

Signature of Applicant James B. Gensel, PE, CPESC Date 01/16/2019

Property Owner David Cleary Date

**Short Environmental Assessment Form**  
**Part 1 - Project Information**

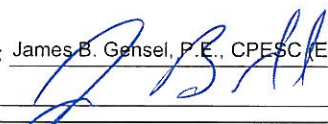
**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Southport Convenience Store & Restaurant			
Project Location (describe, and attach a location map): 1156 Broadway, Elmira, NY 14904			
Brief Description of Proposed Action: Demolition of vacant structures and the construction of a new 6,200 sf Convenience Store and Restaurant (TBD) with fuel station. Restaurant will include a drive-thru station.			
Name of Applicant or Sponsor: David Cleary		Telephone: (607)734-4869	
		E-Mail: David@PudgiesPizza.com	
Address: 360 South Main Street			
City/PO: Elmira		State: NY	Zip Code: 14904
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.88 acres	
b. Total acreage to be physically disturbed?		0.80 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.88 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? (This Land Use utilizes Pass-By Traffic more than Generates Traffic)	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>James B. Gensel, P.E., CPESC (Engineer for Applicant)</u> Date: <u>01/16/2019</u>		
Signature: <u></u>		





## Chemung County Planning Board

Chemung County Commerce Center  
400 East Church Street  
P.O. Box 588  
Elmira, New York 14902-0588

(607) 737-5510

[www.chemungcountyny.gov](http://www.chemungcountyny.gov)

[planning@co.chemung.ny.us](mailto:planning@co.chemung.ny.us)

Referral Number

For office use only

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### Chemung County Planning Board – Municipal Referral Form

(Please complete all information on both pages)

Referring Municipality: ☐ City ☐ Town ☐ Village of \_\_\_\_\_

Referring Official: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Referring Board (check appropriate box): ☐ Legislative Board ☐ ZBA ☐ Planning Board

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Petitioner(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Petitioner's Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Tax Map Parcel Number(s): \_\_\_\_\_

Current Zoning District: \_\_\_\_\_

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**Proposed Action:** (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Area Variance                           | <input type="checkbox"/> Subdivision Review    |
| <input type="checkbox"/> Use Variance                            | <input type="checkbox"/> Rezoning              |
| <input type="checkbox"/> Site Plan Review                        | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Special/Conditional Use Permit          | <input type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> Comprehensive Plan Adoption / Amendment | <input type="checkbox"/> Moratorium            |
| <input type="checkbox"/> Other (please specify): _____           |  |

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Description of the proposed action (attach detailed narrative if available):

**The proposed action applies to real property within five hundred feet (500') of the following**

(Please identify each item by filling in the appropriate blank after each item)

- ☐ (a) Boundary of the (City), (Village) or (Town) of: \_\_\_\_\_
- ☐ (b) Boundary of any existing or proposed (County) or (State Park) or any (Other Recreation Area): \_\_\_\_\_
- ☐ (c) Right-of-way of any existing or proposed (County) or (State Parkway), (Thruway), (Expressway), (Road) or (Highway); (Include (County) or (State Route) # and name of (Road): \_\_\_\_\_
- ☐ (d) Existing or proposed right-of-way of any stream or drainage channel owned by the (County) or for which the county has established channel lines: \_\_\_\_\_
- ☐ (e) Existing or proposed boundary of any (County) or (State) owned land on which a public building or institution is situated: \_\_\_\_\_
- ☐ (f) The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law (this subparagraph shall not apply to the granting of area variances: \_\_\_\_\_

**Hearings/Meetings Schedule**

Board	Public Hearing Date	Meeting Dates (prior and future)
Town Board/Village Board of Trustees		
Zoning Board of Appeals		
Planning Board/Planning Commission		
City Council		

Action taken on this application (reviewed, approved, discussed, etc.) \_\_\_\_\_

**"Full Statement" Checklist**

As defined in NYS General Municipal Law §239-m (1)(c)

Please make sure you have enclosed the following required information with your referral, as appropriate.

**For All Actions:**

- \_\_\_\_\_ Chemung County Planning Board – Municipal Referral Form
- \_\_\_\_\_ All application materials required by local law/ordinance to be considered a "complete application" at the local level (PDF preferred).
- \_\_\_\_\_ Part 1 Environmental Assessment Form (EAF) or Environmental Impact Statement (EIS) for State Environmental Quality Review (SEQR). If Type II Action, provide a statement to that effect.
- \_\_\_\_\_ Agricultural Data Statement, for site plan review, special/conditional use permit, use variances, or subdivision review located in an Agricultural District or within 500 feet of a farm operation located in an Agricultural District, per Ag. Districts Law Article 25AA §305-a, Town Law §283-a, and Village Law §7-739.
- \_\_\_\_\_ Municipal board meeting minutes on the proposed action (PDF preferred).

**For Proposing or Amending Zoning Ordinances or Local Laws: The above requirements AND**

- \_\_\_\_\_ Report/minutes from Town Board, Village Board or Trustees or Planning Board (PDF preferred)
- \_\_\_\_\_ Zoning Map
- \_\_\_\_\_ Complete text of proposed law, comprehensive plan, or ordinance (PDF preferred)

**Deadline: Please submit completed referrals by close of business 10 business days prior to the Chemung County Planning Board meeting.**





**Note:**  
Utility information has been plotted from available sources and their locations and size should be considered approximate only. The contractor is responsible for determining exact utility locations, sizes, and elevations prior to commencing construction. If uncharted or misplotted utilities are encountered, the contractor is required to notify the owner immediately.

New York State law requires excavators to contact the one-call notification system prior to digging to prevent damage to buried facilities.  
**IT'S THE LAW!**  
Call three days before you dig!  
**1-800-862-7962**  
Dig Safely New York  
(non-members must be contacted separately)

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Rev.	Date	Revision Description
1	01-20-19	Revised Broadway Ent. as per CDDPW

It is A Violation Of The New York Education Law, Article 145 Section 7209, For Any Person, Unless He is Acting Under The Direction Of A Licensed Professional Engineer Or Land Surveyor To Alter An Item In Any Way, If An Item Bearing The Seal Of An Engineer Or Land Surveyor is Altered. The Altering Engineer Or Land Surveyor Shall Affix To The Item His Seal And The Notation "Altered By" Followed By His Signature And The Date Of Such Alteration, And A Specific Description Of The Alteration.

SEAL

**SOUTHPORT CONVENIENCE  
STORE & RESTAURANT**  
TOWN OF SOUTHPORT, CHEMUNG COUNTY NEW YORK



**FAGAN  
ENGINEERS**  
& LAND SURVEYORS PC

113 East Chemung Place  
Elmira N.Y. 14904  
Phone (607) 734-2165  
Fax (607) 734-2169  
www.FaganEngineers.com

Scale: 1" = 20'  
11x17 Prints are 1/2 Size  
Date: January 16, 2018  
Design By: BMG  
Drawn By: RSN  
Checked By: JBG  
Project No.: 2018.081  
Drawing Name: 18081-sk.dwg

**CONCEPT PLAN**  
**SK-1**



# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

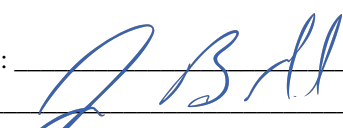
### **Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>					
Name of Action or Project:					
Project Location (describe, and attach a location map):					
Brief Description of Proposed Action:					
Name of Applicant or Sponsor:			Telephone:		
			E-Mail:		
Address:					
City/PO:			State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?				<b>NO</b>	<b>YES</b>
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.					
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?				<b>NO</b>	<b>YES</b>
If Yes, list agency(s) name and permit or approval:					
3.a. Total acreage of the site of the proposed action? _____ acres					
b. Total acreage to be physically disturbed? _____ acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres					
4. Check all land uses that occur on, adjoining and near the proposed action.					
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)					
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____					
<input type="checkbox"/> Parkland					

5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<b>NO</b>	<b>YES</b>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? (This Land Use utilizes Pass-By Traffic more than Generates Traffic)  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<b>NO</b>	<b>YES</b>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<b>NO</b>	<b>YES</b>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	<b>NO</b>	<b>YES</b>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	<b>NO</b>	<b>YES</b>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	<b>NO</b>	<b>YES</b>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<b>NO</b>	<b>YES</b>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<b>NO</b>	<b>YES</b>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	<b>NO</b>	<b>YES</b>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>   	<b>YES</b>   
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>   	<b>YES</b>   
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>   	<b>YES</b>   
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: _____ Signature:  _____		