

**Town of Elmira, New York  
Planning Board**

**Meeting – October 2, 2023 7:00 pm EST**

**MINUTES**

PRESENT:

Chairman Mark Miles

Members: Ron McConnell  
Paul DiPietro  
Mike Kohberger  
Nick Kapnolas  
Bill Maloney  
Robert Knapp

ALSO PRESENT:

Eric Crandall, Code Enforcement Officer  
Patty Carozza, Recording Secretary  
Scott Moore, Town of Elmira Attorney

Chairman Miles opens the regular meeting at 7:00 pm

Chairman Miles asked members if they had read the minutes of the September 12, 2023 meeting and if anyone had additions or corrections, and hearing none, a motion to approve.

**MOTION** by Mike Kohberger to accept the minutes as written.  
Second by Nick Kapnolas

*Ayes:* Miles, McConnell, DiPietro, Kohberger, Kapnolas, Maloney, and Knapp  
*Nays:* None

Chairman Miles opens the public hearing by asking if there is anyone that would like to speak in favor of the tobacco/snacks/drinks store at 1801 W. Water Street. Hearing that no one wants to speak, Chairman Miles asks if anyone would like to speak who is opposed. Brittany Braunstein, representing T & R Realty, does not oppose the store but voices her concerns. T & R Realty owns some property to the west of 1801 W. Water Street. She states that there is inadequate parking and that garbage could be an issue at the location. They do not want people parking in their lot and feels garbage on their property will increase.

Ammar Obadi (who would like to open the store) arrives and is given the opportunity to speak. He starts by saying he has done everything the board has asked including sending letters to surrounding neighbors. He states that the reason he chose this location is due to the high traffic, good location, and wants to make it a one stop shopping. He understands Ms. Braunstein's

concerns but states that he will make sure the inside and outside of the store is well kept. He also recognizes that he cannot control parking but will not be parking in front of the storefront.

Town resident Jack LeValley asks if there is a back door to the store which could be another entrance for the back parking lot. There is not a door. Resident Chip LeValley states that he agrees that it could increase traffic flow. Chairman Miles asks if anyone else wants to speak. Hearing no response, he mentions that legal ad ran in the Star Gazette on September 19, 2023. At that point, he entertains a motion to close the Public Hearing.

**MOTION** by Ron McConnell to close the public hearing.  
Second by Robert Knapp

*Ayes:* Miles, McConnell, DiPietro, Kohberger, Kapnolas, Maloney, and Knapp  
*Nays:* None

**AGENDA ITEM – 1801 W. WATER ST SITE PLAN REVIEW**

Chairman Miles refers to the site plan and states that the legal notice was in the Star Gazette 9/19/23 and there is an affidavit regarding the mailing of the letters to neighbors. Chairman Miles asks if there are any board members that have questions for Mr. Obadi. Mr. Kapnolas asks if there will be any paraphernalia such as bong sold at his store. The applicant states there will not. There is a discussion about approving the plan with some restrictions such as parking. Attorney Scott Moore states that the police do not have the authority to enforce parking as it is a private property. Chairman Miles seeks to have a motion to approve or deny the site plan.

**MOTION** by Paul DiPietro to approve the site plan, without restrictions, of Ammar Obadi to open a store at 1801 W. Water Street.  
Second by Mike Kohberger

*Ayes:* Miles, McConnell, DiPietro, Kohberger, Kapnolas, Maloney, and Knapp  
*Nays:* None

Chairman Miles then discusses a referral from the Town Board for Solar Law. There is a discussion regarding some of the items to look at, such as size of the panels and setback requirements.

Representatives from NYSERDA have agreed to come to a meeting to answer any questions from the board on Thursday October 19<sup>th</sup>.

**MOTION** by Nick Kapnolas to set a Solar Workshop for Thursday October 19, 2023 at 5 PM at Town Hall.  
Second by Ron McConnell

*Ayes:* Miles, McConnell, DiPietro, Kohberger, Kapnolas, Maloney, and Knapp  
*Nays:* None

Chairman Miles asks if there is any other business or comments to be brought before the Board and if none, a motion to adjourn.

**MOTION** by Paul DiPietro to adjourn the meeting.

Second by Nick Kapnolas

*Ayes:* Miles, McConnell Kapnolas, DiPietro, Maloney and Knapp

*Nays:* None

The meeting ends at 7:35EST.

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