

**Town of Elmira, New York
Planning Board
Meeting – September 12, 2023
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
Scott Moore, Town of Elmira Attorney

Chairman Miles opens the regular meeting at 7:00 pm and welcomes everyone. He then asks members if they had read the minutes of the June 5, 2023 meeting and if anyone had additions or corrections, and hearing none, a motion to approve.

MOTION by Nick Kapnolas to accept the minutes as written.

Second by Paul DiPietro

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

Nays: None

AGENDA ITEM – 1801 W. WATER ST SITE PLAN

Ammar Obadi introduces himself and states that he would like to open a convenience and tobacco store at 1801 W. Water St. Mr. Obadi explains that they initially intended to have a deli there as well but due to non-compete lease restrictions, they are unable to sell sandwiches. He says that they will sell snacks, drinks, tobacco and tobacco products but they will not be selling or “gifting” any cannabis. The store hours are going to be 9 AM to 9 PM Monday through Saturday and 9 AM to 8 PM on Sunday.

Paul DiPietro asks the applicant if he has ever owned or operated a similar store. Mr. Obadi tells the board that he owns numerous stores across New York state. He also explains that the parking for the store is located in the back, off of York Ave, and is a shared lot with the other tenants of the building.

Paul DiPietro asks what the lighting and signage will be. Mr. Obadi says that the signage will be whatever is allowed by the Town. Eric Crandall explains that the sign regulations state that signs shall not exceed an area equal to one square foot of sign area per lineal foot of building frontage.

Chairman Miles asks if there are any further questions for the applicant and hearing none, entertains a motion to accept the site plan application as a Preliminary Site Plan.

MOTION by Mike Kohberger to accept the plan as the Preliminary Site Plan
Second by Bill Maloney

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

MOTION by Ron McConnell to hold a public hearing for review of a site plan application for 1801 W. Water St, to be held on October 2, 2023 at 7 PM.

Second by Robert Knapp

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

AGENDA ITEM – 1246 W. CHURCH ST SITE PLAN

Marc Riley introduces himself and explains that he is looking to use the space as a physical therapy clinic. He currently owns Elite Therapy, with a clinic in Horseheads and another in Mansfield and is hoping to use this location to open a third office. He says the hours of operation will fluctuate but will generally always operate between 7 AM and 7 PM.

Duane Wilcox, the current owner of the property, speaks in favor of the proposed use by Mr. Riley and states that there are two apartments above the office space and both are presently occupied.

Chairman Miles asks the applicant about signage and Mr. Riley expresses that the size and location of the signs will remain the same but “Edward Jones” would be replaced with “Physical Therapy” in the front and the sign on the side would just be the Elite Therapy logo.

Chairman Miles states that considering there is no real change in use as it is going to remain a Professional Office, he will entertain a motion to waive the public hearing pursuant to section 217-49 of the Code of the Town of Elmira.

MOTION by Nick Kapnolas to waive the Public Hearing requirement in accordance with section 217-49 of the Code of the Town of Elmira.

Seconded by Ron McConnell

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

MOTION by Mike Kohberger to accept the site plan as the Final Site Plan.

Seconded by Nick Kapnolas

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

Chairman Miles asks Attorney Moore for an update on the Town's solar law. Attorney Moore indicates that the Town Board will send a referral to the Planning Board to review the model solar law and make any changes or recommendations they deem appropriate. Discussion on the various aspects of the model law commence including size, setbacks, and the decommissioning plans. Chairman Miles remarks that it would be helpful to have either someone from NYSERDA or a solar company come in to discuss some of the more technical aspects.

Chairman miles asks if there is any further discussion and hearing none, asks for a motion to adjourn.

MOTION by Ron *McConnell* to adjourn.

Seconded by Paul DiPietro

Ayes Miles, McConnell, DiPietro, Kohberger, Kapnolas, Maloney and Knapp

Nays: none

The meeting ends at 7:58 pm EST.