

**Town of Elmira**  
**New York**  
**ZONING BOARD OF APPEALS**  
**MINUTES**

**Meeting May 27, 2025 7:00 pm EDT**

**PRESENT:**           Members:     Joe Sullivan  
  Peter Peterson  
  Jennifer Moffe

**ABSENT:**                                 Scot Gerould  
  Chris Longwell

**ALSO PRESENT:**                         Eric Crandall, Code Enforcement Officer  
  Scott Moore, Town Attorney

Chairman Sullivan opens the regular meeting at 7:19 p.m. and asks the clerk to call the roll. Members Scot Gerould and Chris Longwell are absent from the meeting.

Chairman Sullivan then asks the members if they had any corrections to the minutes of the ZBA meeting of April 22, 2025, and if none, a motion to approve the minutes as written.

**MOTION** by Peter Peterson to approve the minutes of the  
April 22, 2025 ZBA meeting.

Second by Jennifer Moffe

Ayes: Peterson, Moffe, and Sullivan

Nays: none

**AGENDA ITEM** – Bhakti Marga Area Variance and Zoning Determination Request

Chairman Sullivan mentions the SEQRA requirements and asks for a motion to have the Town of Elmira Zoning Board of Appeals serve as the Lead Agency for environmental determinations.

**MOTION** by Peter Peterson to have the Town of Elmira Zoning Board of  
Appeals serve as Lead Agency for SEQRA.

Second by Jennifer Moffe

Ayes: Peterson, Moffe, and Sullivan

Nays: none

Chairman Sullivan notes that this application should be referred to the Town of Elmira Planning board as well as to the Chemung County Planning Board as this is subject to county review pursuant to 239-M of General Municipal Law.

**MOTION** by Peter Peterson to refer the application to the Town of Elmira Planning Board.

Second by Jennifer Moffe

Ayes: Peterson, Moffe, and Sullivan

Nays: none

**MOTION** by Peter Peterson to refer the application to the Chemung County Planning Board.

Second by Jennifer Moffe

Ayes: Peterson, Moffe, and Sullivan

Nays: none

Chairman Sullivan reintroduces Lawrence Hoetzlein with Anne Hersch Architect, the firm representing Bhakti Marga America. Mr. Hoetzlein calls attention to section 6 of the project narrative which has undergone a significant rewrite since the last meeting. He explains that they wish to appeal the decision of the Code Enforcement Officer that the Ashram, located at 304 Demarest Parkway (Tax ID 98.08-4-24), is a preexisting nonconforming use and instead should be considered a Place of Worship. They are also requesting that 301 Demarest Parkway (Tax ID 98.08-4-71.1) be considered as a Place of Worship.

Chairman Sullivan asks what activities are planned for the use of the repurposed gymnasium. Mr. Hoetzlein says that it will “host religious gatherings, guided meditations, kirtan (devotional singing), lectures, workshops, and cultural programs. It will also be used for special events such as seasonal festivals, guest speakers, and interfaith dialogues. Events will be scheduled in accordance with the Hindu religious calendar.”

Chairman Sullivan asks if there has been any consideration to combining the parcels and Mr. Hoetzlein states that they have not. Attorney Moore clarifies that if the parcels were combined then the temple would be the principal use and all other uses ancillary to that could potentially be considered accessory uses. Attorney Moore also explains case law that affirms the position that the actual or primary use of the building dictates what the use shall be designated as.

There is discussion about the proposed living quarters, which calls for 22 guest rooms in the existing space at 301 Demarest Parkway and a second-story addition with another 22 rooms. Swami Tulsidas explains that the guests in those rooms would be used for sole meditation and contemplation as well as for singular worship between themselves and the Divine.

Attorney Moore states that if the applicant does not want to merge the parcels, then the board must determine if any of the proposed uses are considered to be a ‘Place of Worship.’ The board would then need to determine if any of the other proposed uses are ‘Accessory Uses’ to the place of worship.

Mr. Hoetzlein speaks about the Ashram and says they are seeking a determination that it also be considered a place of worship. Mr. Crandall explains that it is already a permitted use in that it is a preexisting nonconforming use. There does not appear a need to make a determination on that use at this time.

Swami Tulsidas states that given the current discussion, they think it would be prudent to merge the existing properties identified by tax parcels 98.08-4-70, 98.08-3-19, 98.08-4-71.1, and 98.08-4-24. They are asking that the temple located at 1100 W. Church St (Tax ID 98.08-4-70) be considered the principal use and all other uses be accessory uses.

The board discusses the accessory uses and lists those as an auditorium, retail shop, cafeteria, and residential dormitory. A point of contention is raised over the term ‘dormitory’ due to its definition and the request is made to refer to the proposed guest accommodations as “transient living”, which by building code terms is residential living which is less than thirty days. Mr. Crandall notes that transient living is defined as Group R-1 per the NYS Building Code, which includes “boarding houses” with 10 or more occupants, “congregate living” with 10 or more occupants, hotels, and motels.

**MOTION** by Peter Peterson to consider the Temple (Tax ID 98.08-4-70) to be the principal use and the auditorium, cafeteria, retail shop, transient living quarters, and Ashram (*Congregate Living Facility*) be considered as accessory uses contingent upon the parcels 98.08-4-70, 98.08-3-19, 98.08-4-71.1, and 98.08-4-24 be merged and filed with Chemung County Real Property Office.

Second by Jennifer Moffe

Ayes: Peterson, Moffe, and Sullivan

Nays: none

Mr. Hoetzlein directs the board to section 6 (b) of the Project Narrative which details all the preexisting nonconforming bulk and density requirements. After some dialogue about these features, it is determined that there is no need, nor is there the authority, for the board to make any formal comment or determination to those nonconforming features. The board then moves the conversation to the area variances that are being requested.

Mr. Hoetzlein describes the covered patio that is being proposed on the southside of the building as well as the covered entrances on both the south and east sides of the building. Mr. Crandall reads Town Code section 217-25 Projects into Yards, which states that the maximum projection into required setbacks must not exceed 4 feet.

Mr. Hoetzlein then goes into discussion regarding lot coverage on the proposed community center and Ashram parcels. The community center (Tax ID 98.08-4-71.1) is proposing an increase in lot coverage from 28.7% to 43.6%. This stems from a building addition as well as an additional parking lot. They are proposing to increase the Ashram lot (Tax ID 98.08-4-24) from 38.2% to 43.1% from a parking lot expansion.

Mr. Crandall mentions the proposed second-story addition to the community center and Mr. Hoetzlein suggests the board reference the east side elevation that was provided. He states that the roofline of the addition will be at or below that of the existing gymnasium. Chairman Sullivan notes that this proposal appears to be the most substantial of all the requested area variances. Attorney Moore reminds the board that part of the evaluation is

to determine the impact the variance would have on the character of the neighborhood and whether that change is substantial.

Chairman Sullivan remarks that at this point there is enough information here to schedule a public hearing.

**MOTION** by Peter Peterson to set a public hearing on Tuesday July 1, 2025 at 7pm at Elmira Town Hall located at 1255 W. Water St., Elmira, NY 14905 for area variances at 301 Demarest Parkway, Elmira, NY 14905 (Tax ID 98.08-4-71.1) for relief from the East front yard setback and South front yard setback to install awnings over a patio and existing entrances, an area variance to increase the maximum allowable lot coverage for an addition and parking lot expansion, an area variance to exceed the maximum allowable number of stories for the construction of a second-story addition, and an area variance to increase the maximum allowable lot coverage for a parking lot expansion at 304 Demarest Parkway (Tax ID 98.08-4-24).

Second by Jennifer Moffe

Ayes: Peterson, Moffe, and Sullivan

Nays: none

Chairman Sullivan asks if there is any old or new business to discuss and hearing none asks for a motion to adjourn.

**MOTION** by Pete Peterson to adjourn the meeting.

Second by Jennifer Moffe

Ayes: Peterson, Moffe, and Sullivan

Nays: none

Meeting adjourned at 9:00 pm EDT.