

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

**Meeting – February 1, 2021 7:00 pm EST**

**MINUTES**

PRESENT: Chairman Mark Miles

Members: Ron McConnell  
Mike Kohberger  
Tom Kump  
Paul DiPietro

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 and welcomes everyone. He states that the items on the agenda tonight are a public hearing and to finalize the site plan for the property at 900 W. Water Street, Elmira, NY 14905

**PUBLIC HEARING – Ryan McFall**

Chairman Miles opens the public hearing by introducing Ryan McFall who has applied for an application to operate a Cheerleading Training Facility at 900 W. Water Street.

Chairman Miles notes that the legal ad ran in the Star Gazette on 1/19/2021 and Eric has a signed affidavit stating that Mr. McFall mailed letters of intent for the property to residents in that area. Chairman Miles then addresses the audience and asks if anyone wishes to speak in favor of the proposed business.

Ryan McFall states that he is converting the building at 900 W. Water Street into a Cheerleading Training Facility, there will be no events at the building, and it will be strictly for practicing. There are no cheer training facilities in this area and he wants to have a place locally. Chairman Miles thanks Mr. McFall and then he asks if anyone opposes the proposed business.

Erin Jacobs, who resides at 907 Gray Street, states that she wonders why this meeting is being held as Chemung County was declared a State of Emergency by Gov. Cuomo at 3:00 PM due to the weather. Chairman Miles states that he was not aware that a state of emergency was declared and asks other board members if they were aware. No other board members were aware. Tom Kump checks the Chemung County website and states that it does not indicate that we are in a state of emergency. Chairman Miles apologizes again to Mrs. Jacobs and states that he was not aware of that declaration.

Mrs. Jacobs then states that she opposes the incoming business at 900 W. Water Street. She moved into her home in 1973, which she referred to as a quiet residential neighborhood. When the former synagogue at 900 W. Water Street was occupying the building, she states that she did not consider it to be a business (she does not consider churches to be a business). She said that she enjoyed the music that they would play as she could hear it because the windows would be open due to probably not having air conditioning in the building. She is strongly opposed to the Cheerleading Training Facility as the windows will probably be open when the weather is warmer and she does not want to hear girls in there cheering as she knows how much noise they can make. She is also concerned about what will go in there if Mr. McFall should close the business.

Don Jacobs, who resides at 907 W. Gray Street, adds that he did not oppose the former synagogue being in the building or New Day Church (which was there after the synagogue closed) as he often enjoyed both types of music coming from the building. He wondered if anyone on the board had ever attended a girls' softball game and heard the chanting that goes on at the game – stating that it is pretty loud. He felt the same loud chanting/cheering would be heard coming from that building.

Walter Booth, who resides at 826 W. Water Street, states that he did not receive a second letter from Mr. McFall in regards to this public hearing. He asks if the two conditions set forth by the Zoning Board of Appeals for granting the variance (the installation of a 6 ft. privacy fence installed on the Northside of the parking lot and daily operations of the intended use are to be held exclusively in the building) are going to be adhered to if the site plan is approved. He ends by stating that he does want to see the building used but is concerned about the level of noise.

Not hearing from anyone else, Chairman Miles asks for a motion to close the public hearing.

**MOTION** by Tom Kump to close the public hearing.

Second by Ron McConnell

*Ayes:* Miles, McConnell, Kump, DiPietro, and Kohberger.

*Nays:* None

At that time, as the Jacobs exit the meeting, Chairman Miles again apologizes to them for not knowing/hearing about the State of Emergency and thanked them for coming. As they leave, Mrs. Jacobs requests a copy of the minutes from this meeting and Eric Crandall told her he will mail her a copy.

Chairman Miles continues with the meeting and asked members if they had read the minutes of the January 4, 2021 meeting and if anyone had additions or corrections, and hearing none, he asks for a motion to approve.

**MOTION** by Ron McConnell to accept the minutes as written.

Second by Tom Kump

*Ayes:* Miles, McConnell, Kump, DiPietro, and Kohberger

*Nays:* None

Before moving forward, Chairman Miles inquires with Eric regarding the determination made by the Chemung County Planning Board. Eric stated that there was a motion to approve the plan but there was not a second. Some county board members noted the few town residents that had concerns and therefore recommended that the application be sent back to our planning board for Local Determination with no comment.

Chairman Miles continues and explains that a State Environmental Quality Review (SEQR) must be conducted for the building at 900 W. Water Street and that the short form review is in two parts, the first a Project Information and the second an Impact Assessment. Chairman Miles then reads all eleven questions from Part 2 and the members responded to each with a “NO” for the property at 900 W. Water Street. He then asks for a motion to make a Negative Declaration, to accept the SEQR. Before a motion is made, Tom Kump states that question 20 (“Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste”)? is checked “yes”. Eric responds that this was populated by New York State software and after doing some research there are no known or listed remediation sites within the area or referenced by the NYS DEC Environmental Remediation Database. Tom Kump states that since there is no information on why this was checked yes, he attributes it to a flaw in the state. Walter Booth, whose family grew up across the street from the property, noted there **may** have been some removal of asbestos around 8 years ago but could not confirm it.

**MOTION** by Tom Kump to make a Negative Declaration to the SEQR for property at 900 W. Water Street

Second by Mike Kohberger

*Ayes:* Miles, McConnell, Kump, DiPietro, and Kohberger

*Nays:* None

**MOTION** by Tom Kump to accept the State Environmental Quality Review Part 1 and 2 for property at 900 W. Water Street

Second by Ron McConnell

*Ayes:* Miles, McConnell, Kump, DiPietro, Kohberger

*Nays:* None

Chairman Miles states that a motion should be made to accept the Final Site Plan. Before this motion is passed, the board addresses the two conditions as set by the Zoning Board of Appeals with Mr. McFall: 1.) A six –foot privacy fence be installed on the northern side of the parking lot where there is currently none. 2). The daily operation of the intended use is to be held exclusively inside the building with occasional outdoor activities/fundraisers notwithstanding. Mr. McFall addresses those conditions and states that there is a wooden stockade fence there now and he plans to add a 6ft privacy fence and he would like it to all be uniform. When questioned by Tom Kump about when he would have this fence installed, he stated that once he closes on the building and sees the survey of the property, he plans to hire fencing company. He also states that he would have to wait until the ground thaws but it is high on his list of priorities. Mr. McFall also states that all activities will be held in the building. After much discussion regarding the type of fence that will be installed, it is decided that after Eric inspects the property, Mr. McFall would be granted a temporary Certificate of Occupancy and has until July 1, 2021 to install the fence. At the time if the fence is not installed, the Certificate of Occupancy will be revoked. Mr. McFall

added that he fully intends to get the fence installed. He also addressed the concern about noise coming from the building. He was not really concerned as the room they are using is an inner room. He stated that there would be gymnastics happening as well as they practice that as well. It is not always going to consist of chanting and cheering. He also stated that pick up of the girls will most likely happen inside the building – they will not be hanging around in the parking lot. He states that he has every intention of making sure that the place will look nice with landscaping as well as the exterior of the building spruced up.

Chairman Miles thanks him and ask for a motion to accept the final site plan.

**MOTION** by Tom Kump to accept the Final Site plan from Ryan McFall for property at 900 W. Water Street to operate a Cheer Team Facility and office space for general business with the following conditions as outlined from the Zoning Board of Appeals: 1). A six-foot privacy fence be installed on the northern side of the parking lot where there is currently none 2). The daily operations of the intended use are to be held exclusively inside the building, with occasional outdoor activities/fundraisers notwithstanding. It is also made known that upon inspection of the building by Eric Crandall, Code Enforcement Officer, will issue a temporary Certificate of Occupancy to operate until July 1, 2021 at such time if the six-foot fence is not installed, the temporary Certificate of Occupancy will be revoked.

Second by Ron McConnell

*Ayes:* Miles, McConnell, Kump, DiPietro, and Kohberger

*Nays:* None

Chairman Miles asks if there are any comments from members of the public to the board. There are 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 Tom Kump to adjourn the meeting

Second by Ron McConnell

*Ayes:* Miles, McConnell, Kump, DiPietro and Kohberger

*Nays:* none

The meeting ends at 8:03 pm EST.

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