

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

**Meeting – January 4, 2021
MINUTES**

PRESENT:

Chairman Mark Miles

Members: Ron McConnell
 Tom Kump
 Paul DiPietro
 Mike Kohberger

ABSENT:

Nick Kapnolas

ALSO PRESENT:

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

Ron McConnell opened the meeting and mentioned that as the first meeting of 2021, the articles of organization must be conducted and asked for a nomination for Chairman for the Planning Board.

MOTION by Tom Kump to accept the nomination of Mark Miles
as Chairman of the Planning Board
Second by Paul DiPietro
Ayes: Miles, McConnell, Kump, DiPietro, and Kohberger.
Nays: None

Chairman Miles then presided over the meeting as the Chairperson and asked for a nomination for Vice Chairman of the board.

MOTION by Paul DiPietro to accept the nomination of Tom Kump as
Vice-Chairman of the board.
Second by Ron McConnell
Ayes: Miles, McConnell, Kump, DiPietro, and Kohberger
Nays: None

Chairman Miles asked for a nomination of Secretary for the Planning Board.

MOTION by Paul DiPietro to nominate Ron McConnell as Secretary of the Planning Board.

Second by Mike Kohberger

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

Nays: None

Continuing with the articles of organization for 2021, Chairman Miles asked if the Planning Board Meeting should continue to be held on the 1st Monday of the month (as needed) at 7:00 PM and should be held at the Town Hall in West Elmira.

MOTION by Tom Kump to continue to hold the Planning Board Meetings on the 1st Monday of the month (as needed) at 7:00 PM and be held at the Town Hall in West Elmira.

Second by Ron McConnell

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

Nays: None

Chairman Miles stated that a newspaper has to be established for Public Notices. In the past the Star Gazette has been used and would this board want to continue using it.

MOTION by Ron McConnell to continue using the Star Gazette as the newspaper for public notices.

Second by Paul DiPietro

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

Nays: None

Chairman Miles excused Nick Kapnolas from the meeting due to illness.

Chairman Miles opens the regular meeting at 7:10 pm and welcomes everyone. He states that this meeting is being held to review Ryan McFall's Site Plan Application for the property located at 900 W. Water Street, Elmira, New York.

Chairman Miles asked members if they had read the minutes of the December 7, 2020 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 Ron McConnell

Ayes: Miles, McConnell, Kump, DiPietro and Kohberger

Nays: None

At the last meeting, this board requested that Mr. McFall provide a more detailed Site Plan Application. Chairman Miles asked Mr. McFall to review what his intentions were regarding the

property at 900 W. Water Street and update the board on the more detailed plan. Mr. McFall stated that he is looking to use the building as a cheerleading facility and lease some non-retail commercial space (office space). He started by addressing the concerns about increased noise coming from the building during summertime due to the fact that there is no working air conditioner in the building and windows would be open. He stated that at any given time there would probably only be 15 cheerleaders at one time which would not generate a lot of noise. His wife and daughter used to hold their practices at the mall and there were never any complaints about noise. Furthermore, the site is only going to be used as a practice facility and will not hold any competitions there. Attorney Moore addressed a question about a noise ordinance in the town and explained that the ordinance states that it should not be audible beyond property line and the time frame for the ordinance is 10:00 pm until 8:00 am. Mr. McFall was not worried about violating the noise ordinances.

Chairman Miles then addressed the business plan and asked the board if they felt it was complete. Tom Kump responded and stated that in his opinion it is a completed application. Tom also asked if Mr. McFall had ever owned a business like this in the past where upon he replied no and that he wanted to have a place where his wife and daughter could hold cheerleading practices locally. He stated that he was only looking to break even in this business. Mr. McFall said he plans to maintain the property and building. He addressed a question asked about fundraising and he stated if there was a need to do that there would be at most two per year and it usually is just selling “ads”.

Eric Crandall stated that the Zoning Board of Appeals has approved the Use Variance for a Fitness Center/Health Club to be used as a training facility for youth cheerleaders with the following conditions: 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.

With no other comments or questions, Chairman Miles ask for a motion to accept the plan as the final Site Plan.

MOTION by Mike Kohberger to accept the Site Plan Application for Ryan McFall

Second by Tom Kump

Ayes: Miles, McConnell, Kump, DiPietro and Kohberger

Nays: None

Chairman Miles than asks for a motion to set the Public Hearing for February 1, 2021.

MOTION by Ron McConnell to set a Public Hearing on February 1, 2021 for this proposed business.

Second by Paul DiPietro

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

Nays: None

Onto other business, Chairman Miles then addresses the board and asks if anyone has taken any of the trainings that are available as they offer good information. He noted that he sent the

board some information and questions and recommended that they look at them if time permits. He then asks if there are any comments or questions from members.

Paul DiPietro asks about ordinances and how they are handled. He was informed that they can be presented to the Town Board for their approval but they usually send it back to the Zoning Board of Appeals or the Planning Board for further input. Chairman Miles asks if there is any other business or comments to be brought before the Board and if none, asks for a motion to adjourn.

MOTION by Tom Kump to adjourn.

Seconded by Ron McConnell

Ayes: Miles, McConnell, Kump, DiPietro and Kohberger

Nays: none

The meeting ends at 7:35 pm EST.

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