

**Town of Elmira, New York
Planning Board
Meeting – April 3, 2023
MINUTES**

PRESENT: Chairman Mark Miles
Members: Ron McConnell
Robert Knapp
Paul DiPietro
Mike Kohberger
Nick Kapnolas

ABSENT: William Maloney

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

Chairman Miles opens the meeting at 7:00 pm and welcomes everyone. He introduces and welcomes the newest Planning Board member, Robert Knapp. He notes that William Maloney is not present and excuses his absence.

Chairman Miles asked members if they had read the minutes from the February 6, 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 Ron McConnell
Ayes: Miles, McConnell, Knapp, DiPietro, Kohberger, and Kapnolas
Nays: None

AGENDA ITEM – Site Plan Review for Chicken Coop at 95 Westmont Ave

Chairman Miles asks if there is anyone in attendance to speak on behalf of the submitted application and Michael Bahantka addresses the board. He explains that he would like to install a 12-ft by 4-ft chicken coup in the center of his backyard to house 3 to 6 hens and no rooster. Mr. Bahantka states that he will utilize the “deep litter” method to handle the accumulation of manure. This method involves adding new bedding on top of the manure and allows it to compost-in-place. Every six months, the entirety of the coop is cleaned out and the compost is either used as fertilizer or discarded in an appropriate manner.

Paul DiPietro asks if there is a certain area where the coop is going to be located. The applicant says that the area indicated on the submitted maps will be the location of the coop and that it will be approximately 8 feet tall. The members ask Mr. Crandall if he has measured the area and he confirms that he has and that the proposed coop location meets the minimum setback requirements indicated in Chapter 61 of the Code of the Town of Elmira. Mr. Bahantka states that this is a recreational and educational endeavor and is not trying to start any sort of farming operation.

Chairman Miles informs the board that at this juncture they may move to set a public hearing, or, if they feel that this application is of a small enough nature, then the board may waive the hearing requirements. Chairman Miles then reads section 217-49, Waiver of Requirements, in whole, which states, *“The Planning Board is authorized to waive any requirements of this article, including a public hearing, in the event any such requirement is found not to be necessary in the interest of the health, safety, and general welfare.”*

Mike Kohberger asks Mr. Crandall if a garage is a dwelling and that vehicles are sometimes considered dwellings. Mr. Crandall explains that a garage is an accessory structure and not residential dwelling. Attorney Moore further explains that the definition of “dwelling” in the Code of the Town of Elmira states that it must have independent cooking, living, sanitary, and sleeping facilities.

MOTION by Nick Kapnolas to waive the requirements of a public hearing as provided for by section 217-49 of the Code of the Town of Elmira’s zoning ordinance.

Second by Mike Kohberger

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

Nays: None

Chairman Miles then asks if there is a motion to accept the site plan as presented and approve it as the Final Site Plan.

MOTION by Nick Kapnolas to accept the site plan and approve the Final Site Plan

Second by Ron McConnell

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

Nays: None

Chairman Miles reminded everyone that the STC conference is being held this Thursday, April 6, 2023 at Corning Community College for those members that are registered to get their annual four hours of training there. He asks if there is any further discussion and hearing none, Chairman Miles asks for a motion to adjourn.

MOTION by Nick Kapnolas to accept the site plan as the Final Site Plan

Second by Mike Kohberger

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

Nays: None

The meeting ends at 7:20 pm EST.

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