

**Town of Elmira, New York  
Planning Board  
Meeting – September 12, 2022  
MINUTES**

Ron McConnell opened the meeting and nominated Mark Miles as Chairman for the Planning Board.

**MOTION** by Tom Kump to accept the nomination of Mark Miles  
as Chairman of the Planning Board  
Second by Ron McConnell

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

*Nays:* None

Chairman Miles then presided over the meeting as the Chairperson and nominated Tom Kump as Vice  
Chairman of the board.

**MOTION** by Ron McConnell to accept the nomination of Tom Kump as  
Vice- Chairman of the board.  
Second by Mike Kohberger

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

*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 Nick Kapnolas

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

*Nays:* None

Continuing with the articles of organization for 2022, Chairman Miles asked if the Planning  
Board Meeting should continue to be held on the 1<sup>st</sup> 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 1<sup>st</sup> Monday of the month (as needed) at 7:00 PM and be  
held at the Town Hall in West Elmira.  
Second by Nick Kapnolas

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

*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 Paul DiPietro to continue using the Star Gazette as the newspaper for public notices.  
Second by Mile Kohberger

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

*Nays:* None

PRESENT:

Chairman Mark Miles

Members: Ron McConnell  
Tom Kump  
Paul DiPietro  
Mike Kohberger  
Nick Kapnolas  
Bill Maloney

ALSO PRESENT:

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

Chairman Miles opens the regular meeting at 7:04 pm and welcomes everyone. He states that this meeting is being held at the request of Dave Sullivan to amend or make a zoning change in the neighborhood of Hillcrest, Gordon Circle, and Sunset Dr. This is in response to a complaint filed regarding animals in residential neighborhoods.

Chairman Miles asked members if they had read the minutes of the August 2, 2021 meeting and if anyone had additions or corrections, and hearing none, a motion to approve.

**MOTION** by Tom Kump to accept the minutes as written.

Second by Mike Kohberger

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

*Nays:* None

Eric Crandall was asked to explain the purpose of this session. He stated the planning board has been asked to make amendments or zoning changes regarding Chapter 61 of Code due to complaints made regarding animals in residential areas. The code applies to areas in Fire District #1 and #2, but the area in question is in Fire District #3. The area is located near Hillcrest Rd, Sunset Drive, and Gordon Circle (which is where the animals are located). There are only 40 parcels in this area. If the zoning isn't changed, people could have cows, pigs, and other animals. Right now, Fire Districts #1 and #2 permit 6 chickens, but no roosters. Mark Watts provided some insight to the board on

residential areas with animals. He offered to also come and talk to the Town Board if they had any other questions. Tom Kump suggested that maybe we could survey the residents on who has any animals which would provide a baseline moving forward. Scott Moore stated that regardless all residents in said area would each receive a letter addressing the matter. The matter at hand is should the board make zoning changes or just amend Chapter 61 code. After plenty of discussion and some insight from Scott Moore who suggested that changing both the zoning and making an amendment would be a good solution. The suggestion was made to change the zoning to AAA (residential area) and change to Fire District #1 and #2.

A motion was made by Tom Kump to recommend that the Town Board amend the zoning map as referenced by Chapter 217-9 of the Code of the Town of Elmira to AAA in the location of the Southside of Hillcrest to the Town's Eastern border, to the Town's southern border, and West by Hoffman Creek.

Second by Mike Kohberger

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

*Nays:* None

A motion was made by Tom Kump to recommend that Chapter 61-1 'B' and 'E' remove language referencing Fire District #1 and #2 and replace with A, AA, and AAA residential districts.

Second by Paul DiPietro

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

*Nays:* None

Chairman Miles said that we were asked to look at a Chapter 165 Recreational Facilities which states regulations that happen in or on our recreational facilities. It included smoking, alcoholic beverages and curfew just to name a few. After consulting with Attorney Scott Moore, Chapter 165 is not in our purview.

Chairman Miles asked if there was any old business or new business to discuss. Paul DiPietro discussed the tree program that he is working on with the town. He wondered if the planning board was a board that has input on if a tree is taken down in the town's right of way, does it get replaced automatically. He explained the program and the board felt it was a town board issue but thank Paul for the insight on the program.

**MOTION** by Tom Kump to adjourn.

Seconded by Bill Maloney

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

*Nays:* none

The meeting ends at 8:00 pm EST.

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