

**Town of Elmira, New York
Planning Board
Meeting – May 6, 2024
MINUTES**

PRESENT:

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

The Chairman asked members if they had read the minutes from the April 1, 2024 meeting and if anyone had additions or corrections, and hearing none, a motion to approve.

MOTION by Paul DiPietro to accept the minutes as written.

Second by Mike Kohberger

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

Nays: None

AGENDA ITEM – Site Plan Review for Chiropractic Office located 2020 Lake Road.

Chairman Miles asks if there is anyone in attendance to speak on behalf of Chiropractic Office and Daniel Erickson is present and addresses the board. Chairman Miles asks him to speak about his plans for the office. Mr. Erickson states that it is a chiropractic office, and will have 2 rooms for treatment to perform chiropractic procedures. His mother will be the secretary/office manager. He is leasing the building, it is his first venture in the field, and he stated that it has plenty of parking and he is happy with the flow of traffic on Lake Road. Chairman Miles asks Attorney Moore if he has anything to add. Attorney Moore states that this board can proceed by waving any of the site plan requirements, including the Public Hearing and move to Part Two of the SEQR.

Chairman Miles reads section 217-49 (Waiver Requirements) which states in whole, *“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.”*

Chairman Miles asks if someone wants to make a motion to waive the Public Hearing requirement.

MOTION by Robert Knapp to waive the requirement for a public hearing.

Seconded by Nick Kapnolas

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

Nays: None

Chairman Miles then reads the questions in Part Two of the SEQR for the Chiropractic Office at 2020 Lake Road and to each question the board members all responded “**No.**” He then asks for a motion to make a Negative Declaration, a motion to accept the SEQR, and a motion to approve site plan.

MOTION by Mile Kohberger to make a Negative Declaration to the SEQR for 2020 Lake Road.

Second by Paul DiPietro

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

Nays: None

MOTION by Nick Kapnolas to accept the State Environmental Quality Review for 2020 Lake Road.

Second by Ron McConnell

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

Nays: None

MOTION is made by Ron McConnell to accept the final site plan and approve the Final Site Plan for 2020 Lake Road.

Second by William Maloney

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

Nays: None

Chairman Miles thanks Daniel Erickson for coming and on behalf of the board wishes him well.

Next on the agenda is a discussion regarding a Solar Developer that wants to build two solar farms (one on East Hill and one on West Hill). Eric Crandall states that we might have some applications coming in for Solar Farms and we should look at the language for the Battery Energy Systems Storage Law. Attorney Moore says that it is very similar to the Solar Farm Law and because this board has already looked at that law this will help with the process. The Battery Energy Systems law is not as extensive. Attorney Moore gave an overview about what we would do regarding the SEQR. Some questions that board members had: How big is the container for the battery storage? What about tree removal to make room for the farm? Scott also provided information about the actual storage containers and some battery farms are huge – just as big as the actual farm.

Chairman Miles said that they might need to reach out to Fire/Emergency Services as they should be aware or be provided with an overview. Eric did not feel it was necessary and Attorney Moore shared a scenario regarding that issue. The company contacted Fire/Emergency Services, kept them in the loop, when asked their opinion - they basically said they were on board. Chairman Miles stated that he would forward all of the information to the Fire/Emergency Services.

Chairman Miles asks if there is any other business to discuss and hearing none, asks for a motion to adjourn.

MOTION by Mike Kohberger to adjourn the meeting.

Second by Robert Knapp

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

Nays: None

The meeting ends at 7:31 pm EST

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