

**Town of Elmira, New York  
Planning Board  
Meeting – July 7, 2025  
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.

Chairman Miles asked members if they had read the minutes from the June 2, 2025 meeting and if anyone had additions or corrections, and hearing none, a motion to approve.

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

Second by Paul DiPietro

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

Nays: None

Chairman Miles states that this meeting has quite a few items on the agenda and will do our best to get through it all in a timely fashion.

**AGENDA ITEM – Approve Stipulation and Settlement Agreement**

He begins with the first item which is approving the Stipulation and Settlement Agreement with Carson Power. He asked the board if they have read over the agreement and then has Attorney Scott Moore provide a quick overview. Scott states the following:

- 1). Carson Power agrees not to put commercial battery storage on the site.
- 2). More screening will be required along the Schmidt property - Carson Power will take care of that.

If everyone agrees, Scott Moore will sign and return the agreement.

**MOTION** by Nick Kapnolas to approve the Stipulation and Settlement Agreement with Carson Power.

Seconded by Robert Knapp

*Ayes:* Miles, McConnell, Knapp, Kohberger, Kapnolas and Maloney

*Nays:* DiPietro

### **AGENDA ITEM – Bhakti Marga America Site Plan Review**

Next item on the agenda is an application from Bhakti Marga America for Preliminary Site Plan review for the properties located at 301 Demarest Pkwy, 304 Demarest Pkwy, and 1100 W. Church Street. Lawrence Hoetzlein addresses the board regarding changes that have been made. He states that the zoning board granted 4 out of 5 variances and they are no longer going to build a second story addition on the former school (which they now refer to as their Community Center). Site plan concerns that he addresses are regarding the stormwater, which he states that there are not a lot of changes to the outside of building. There will be 2 small additions inside which will include a new kitchen and auditorium. The kitchen will be relocated in between the gym and school. He discusses the addition of a grass parking area which would add 42 parking spots which will be used for overflow. It will have a gravel base, topsoil, and should be well drained. The parking is based on events happening at the Community Center.

Chairman Miles then asks Mr. Hoetzlein to elaborate more about the interior or the community center. Mr. Hoetzlein explains it will have an auditorium, studio, new cafeteria, outdoor eating space and a new kitchen. There will be a small gift shop and the former classrooms will be converted for room for transient guests. When they hold larger events, they will ask Hendy Ave School if they can use their parking lot and provide shuttles. This will happen if they need to provide parking for 400 people. It is clarified that the number of required parking spaces is determined by the most intense use, which would be the auditorium.

Regarding the site lighting- there is existing lighting on the site and they will add additional lighting on the existing poles. The café/ patio will have wall lights, and they would like to add 2 additional pole lights like the ones that are already there.

Mr. Hoetzlein then addresses the board with the changes made to the landscaping. They would like to change the planting on the median and possibly create a median on the north part of Demarest to enhance the landscape. They would like to add flowering trees along the side of the temple, and there are some Norway Spruces that need to be replaced and they were considering magnolia trees. Mr. DiPietro asks if they considered a diversity of trees and Mr. Hoetzlein states that they would be open to that. Mr. DiPietro states that he would be happy to provide some information regarding trees. Mr. Hoetzlein is then informed that no trees can be removed in the town's right of way. He is aware of that and did not plan to replace those trees. Attorney Moore states that there is a hedge row on the property that may or may not belong to them and they should look into that further for clarification of who owns and maintains it.

Mr. DiPietro also asks if they considered an extension of the sidewalk and if there will be a crosswalk. Mr. Hoetzlein remarks that their plan is to extend the sidewalks as well as add additional crosswalks.

Chairman Miles asks the board if they have any other questions. When there are none, they move forward with the next procedural steps. The planning board will refer this Site Plan back to the Chemung County Planning board for further review. Mr. Hoetzlein requests that it be sent to that board. It was stated that no stormwater permit is necessary but they are required to be in compliance with ADA standards for accessible parking and routes.

At that time, members of the audience inquire as to when they are allowed to speak either in favor of or not in favor of the project. Mr. Miles states they will be allowed to speak at the Public Hearing once that is set.

Chairman Miles then asks for a motion to accept the Preliminary Site Plan for the Bhakti Marga Site plan for properties located at 301 Demarest Pkwy, 304 Demarest Pkwy, and 1100 W. Church Street.

**MOTION** by Robert Knapp to accept the Preliminary Site Plan

Seconded by Mike Kohberger

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

*Nays:* None

**MOTION** by Paul DiPietro to refer this site plan to the Chemung County Planning Board.

Seconded by Ron McConnell

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

*Nays:* None

**MOTION** by Robert Knapp to set a Public Hearing for August 4, 2025 at 7 pm

Seconded by Mike Kohberger

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

*Nays:* None

**\*\*It was noted that the Chemung County Planning Board will meet on July 24, 2025**

**AGENDA ITEM – 226 Bowlby Rd Solar Project – DG Coleman Solar Site Plan and Special Use Permit Request**

Next on the agenda is the Site plan for 226 Bowlby Rd Solar project (DG Coleman Solar) Special Use Permit Request. Sydney Shivers, the developer of the project addresses the board. A few documents have been added since the last meeting and Chairman Miles asks the board to review the plans as DG Coleman Solar added an update of the decommission calculations and provided more information of trees that will be removed. Mr. Miles asks if the board has questions for Ms. Shivers. Mr. Kapnolas asked about the screening process and what that will look like. She states that they would like to inquire about ideas for that and are open to suggestions. It was stated that they should provide a detailed landscaping plan. Mr. Crandall notes that the planning board is considered the lead agency for SEQRA as it has been thirty days and the town has not received any objection to that request.

Attorney Moore inquired about the stated labor rate for the clearing of the trees and the rate of the equipment. He felt it might not be correct. As far as the SWPPP is concerned Jimmy Joe Carl is currently in his initial review of the SWPPP and he will get back to the planning board with his letter soon. A few concerns were discussed and one thing of concern was regarding the downhill slope of the driveway entrance and if the road will be graded.

Ms. Shivers then addresses the board and states that there will be a buffer of trees, there will be no lighting on the project, and will consider the movement of the access road (via concerns/request of neighbors). For the next meeting they will have more landscaping details, and it was also discussed that a 911 address should be in place.

Chairman Miles then ask the board if they have any other questions – hearing none – Mr. Miles asks for a motion to send this site plan to the Chemung County Planning Board.

**MOTION** by Nick Kapnolas to refer this Site Plan to the Chemung County Planning Board.

Seconded by William Maloney

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

*Nays:* None

### **AGENDA ITEM – 2770 Co Rte 60 Solar Project – Abundant Solar**

Next on the agenda on the agenda is the Site Plan and Special Use Permit Request located at 2770 Co. Rt. 60. The developer is Abundant Solar. Mr. Matthew McGregor provides an overview of the project which was presented to this board in December 2, 2024. It was decided that this board would be the lead agency for SEQRA and they go on to discuss changes that have been made.

The direct access driveway was too steep based on the guidelines so they were able to make corrections to that. A wetland determination was done and some of the land was considered to be regulated wetlands. The entrance will be more to the northwest from the original plans. A formal application must be submitted to the county and there needs to be a Stormwater Pollution Prevention Plan (SWPPP).

Other details that were discussed include information about the access road. It was originally 20 ft. wide but it has been reduced to 10ft and it must include a turnaround. A discussion regarding visual impact. It was stated that the panels will not be visible in residential areas or County Rt. 60.

Chairman Miles ask if there are other questions and Attorney Moore states that he would like a breakdown of the decommissioning estimate and Mr. DiPietro would like an inventory of the trees. Mr. Miles asked if all tree stumps would be removed in the buffer area and it was stated that the stumps would be cut off at the stump in that area and completely removed in the array field. It was also asked if there would be a battery storage on the property and the response was no battery storage, it would just be tied into the NYSEG grid as Community Solar. Mr. Miles states that for the next meeting, they would need to supply a tree inventory, breakdown of the decommissioning estimate, SWPPP, and photo simulations. Abundant Solar will attend the next meeting.

### **AGENDA ITEM – 351 Monkey Run Road Re-subdivision**

The last thing on the agenda is the Watt Re-subdivision application for 351 Monkey Run Rd. Eric Crandall states that the owner of the property, Mr. Watts would like to move a lot line. It is a cut and dry process as they want to carve out some of the lot on 351 Monkey Run Road and add it to 365 Monkey Run Road by moving the property line. Mr. Crandall states that both parcels will remain conforming and that all setbacks are easily met. This procedure will increase the amount of road frontage at 365 Monkey Run which will now make that parcel have the appropriate amount of frontage as required by the Density and Bulk Control Schedule. Chairman Miles asks if anyone has questions regarding the request. Hearing none – he asks for a motion to accept the Preliminary Plot Plan.

**MOTION** by William Maloney to accept the Preliminary Plot Plan for the Watts Re-subdivision at 351 Monkey Run Road.

Seconded by Robert Knapp

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

Nays: None

**MOTION** by Mike Kapnolas to waive the Public Hearing

Seconded by Ron McConnell.

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

Nays: None

**MOTION** by Ron McConnell to accept the Final Site Plan

Seconded by William Maloney

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

Nays: None

**MOTION** by Nick Kapnolas to approve the Re-subdivision

Seconded by Mike Kohberger

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

Nays: None

Chairman Miles states that everything on the agenda has been addressed and would like a motion to adjourn.

**MOTION** by Nick Kapnolas to adjourn the meeting

Seconded by Paul DiPietro

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

Nays: None

The meeting ends at 9:10 pm EST.