

Town of Elmira
New York
ZONING BOARD OF APPEALS
MINUTES

Meeting July 1, 2025 7:00 pm EDT

PRESENT: Members: Joe Sullivan
 Peter Peterson
 Jennifer Moffe
 Scot Gerould
 Chris Longwell

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

Chairman Sullivan opens the regular meeting at 7:01 p.m. and asks the clerk to call the roll. All members are present.

Chairman Sullivan states that there will be a public hearing tonight regarding Bhakti Marga America's area variance application. Before he opens the floor for comment, he introduces Lawrence Hoetzlein, architect for the applicant, and asks him to explain the proposed project. Mr. Hoetzlein describes the project in detail and reviews the five area variances that are being requested.

Chairman Sullivan opens the public hearing at 7:18 p.m. and asks if anyone would like to make a comment. The following residents made comments in opposition to the application, which were generally around the subject of the character of the neighborhood, parking, and drainage:

Kim Westcott	1050 Chatham Lane
Jillian Mastronardi	957 W. Water St.
Thomas Booth	1056 Chatham Lane
Noreen Dieg	1156 W. Clinton St.
Mary Johnson	73 Larchmont Rd.
Mike Foley	410 Highland Ave.
Josh Church	1149 W. Church St.
Reinhard Dieg	34 Forest Hills Dr.
Sue Dimon	1053 Chatham Lane

The following residents made comments in support of the application and were generally centered around the appreciation for a local temple, the acquisition of a property in decay, and the friendliness of the followers:

Allison Weis	7 Cobbles W.
Rugmani Kutty	2806 Goff Rd.
Mary Rogers	1242 W. First St.
Eric Morin	98 Sunnyside Dr.

Devin Mandyck
Matthew Deskins

722 W Gray St.
7 Cobbles W.

Chairman Sullivan acknowledges receipt of a letter from James Leonard of 465 Demarest Parkway and notes his concerns about the potential change in the character of the neighborhood.

Chairman Sullivan then allows Mr. Hoetzlein to address some of the concerns brought up during the public comment period. He explains the proposed additions are fairly modest in size and scope. The proposed second-story addition would be on the same footprint as the existing structure and would be lower than the existing gymnasium roofline. He also reminds the board that the proposed activity would not be much different than when the Lady of Lourdes church and school were in session. Mr. Hoetzlein describes that during the large events, people will be coming to the area and staying in local hotels and eating in local restaurants, so there is a value to the community.

Chairman Sullivan closes the public hearing at 8:12 p.m. and states that the board will take a brief recess and reconvene shortly. The regular meeting is reopened at 8:18 p.m. and asks the members if they had any corrections to the minutes of the ZBA meeting of May 27, 2025, and if none, a motion to approve the minutes as written.

MOTION by Scot Gerould to approve the minutes of the
May 27, 2025 ZBA meeting.

Second by Chris Longwell

Ayes: Gerould, Longwell, Peterson, Moffe, and Sullivan

Nays: none

AGENDA ITEM – Bhakti Marga Area Variance Request

Chairman Sullivan remarks that prior to any decisions being made, the board must complete part two of the State Environmental Review which consists of 11 questions. Chairman Sullivan reads through each of the questions and discussion is had on each one. The board agreed that there would be no environmental impact or a small environmental impact with respects to each of the 11 questions.

Being no moderate or large environmental impacts, Chairman Sullivan asks for a motion to make a Negative Declaration for the SEQR.

MOTION by Scot Gerould to make a Negative Declaration

Second by Chris Longwell

Ayes: Gerould, Longwell, Peterson, Moffe, and Sullivan

Nays: none

Chairman Sullivan then asks for a motion to accept the SEQR.

MOTION by Chris Longwell to accept the SEQR

Second by Scot Gerould

Ayes: Gerould, Longwell, Peterson, Moffe, and Sullivan

Nays: none

Chairman Sullivan then suggests the board look at each of the five area variances individually and review them with respects to the five criteria required when making a determination. The first variance discussed is the Community Center (301 Demarest Pkwy) south front-yard setback which is for a retractable awning over the proposed patio. The applicant is requesting relief from the current setback which is established by the existence of the current building at 18.58 ft. The proposed awning would extend to within 2.58 feet of the front yard boundary line and is asking for 16 feet of relief. The board acknowledges that a retractable awning will not have a large impact on the surrounding area and is not substantial.

MOTION by Scot Gerould to grant an Area Variance for 16 feet of relief from the south front-yard setback for the installation of a retractable awning.

Second by Chris Longwell

Ayes: Gerould, Longwell, Peterson, Moffe, and Sullivan

Nays: none

Chairman Sullivan then directs the board to look at the requested area variance for the Community Center lot coverage. Considering that the parking lot to the north has been changed from macadam to grass, the lot coverage exceedance will only be from the building addition and the south side patio. The existing lot coverage is calculated to be 28.7% and the applicant seeks an area variance to increase the impervious area from 37,888 sq/ft to 42,226 sq/ft to raise the total lot coverage to 31.9%. Chairman Sullivan asks Eric Crandall as the Town of Elmira Stormwater Officer if there are any runoff concerns. Mr. Crandall remarks that the Town's stormwater ordinance only applies to land activity resulting in earth disturbance of one acre or more but notes that the increase is not substantial and is unlikely to have any discernible impact.

MOTION by Peter Peterson to grant an Area Variance to exceed the maximum allowable lot coverage for the Community Center lot by 3.2%.

Second by Scot Gerould

Ayes: Gerould, Longwell, Peterson, Moffe, and Sullivan

Nays: none

The board next looks at the Community Center east front-yard setback request. The applicant proposes to add a fixed canopy over the existing east entrance into the building to provide cover from the elements. The existing setback established by the location of the current building is 37.76 and the applicant is requesting 12 feet of relief. The board agrees that this request is not substantial and does not change the character of the surrounding area.

MOTION by Chris Longwell to grant an Area Variance for 12 feet of relief from the east front-yard setback for the installation of a fixed canopy.

Second by Scot Gerould

Ayes: Gerould, Longwell, Peterson, Moffe, and Sullivan

Nays: none

Chairman Sullivan asks the board to look at the area variance request for the Ashram (304 Demarest Pkwy) lot coverage. Applicant is proposing to increase the impervious

area by extending the existing parking lot towards the eastern boundary line. The existing impervious area is calculated at 34.0% and the proposed coverage would increase that to 39.0% for a 5% increase. The board asked about the stormwater implications and Mr. Crandall noted that runoff would be directed to an existing drainage swale on the east property line.

MOTION by Peter Peterson to grant an Area Variance to exceed the maximum allowable lot coverage for the Community Center lot by 5%.

Second by Scot Gerould

Ayes: Gerould, Longwell, Peterson, Moffe, and Sullivan

Nays: none

The last area variance request is to construct a second-story addition above the existing former school building for the creation of approximately 22 guest rooms. Mr. Hoetzlein states that the proposed second-story would be approximately one-foot lower than the existing height of the gymnasium. There is discussion regarding the intensity of the use combined with the increased building height and whether or not that constitutes a substantial request and if it would create an undesirable change to the neighborhood.

MOTION by Scot Gerould to grant an Area Variance to construct a second-story addition to an existing building.

Second by Chris Longwell

Ayes: Gerould and Longwell

Nays: Peterson, Moffe, and Sullivan

Chairman Sullivan remarks that the motion to grant the variance for the second-story addition did not carry and as such has not been approved.

Chairman Sullivan then moves to the next agenda item which is a Use Variance request to operate a bicycle repair shop in the back of an existing business at 1223 W. Water St. Mr. Crandall informs the board that the applicants have voluntarily withdrawn their application from consideration. The board agreed that it would have been difficult to grant the use variance due to the strict requirements set forth by the state which require dollars and cents proof that the existing use is not financially viable.

Chairman Sullivan asks if there is any old or new business to discuss and hearing none asks for a motion to adjourn.

MOTION by Pete Peterson to adjourn the meeting.

Second by Scot Gerould

Ayes: Gerould, Longwell, Peterson, Moffe, and Sullivan

Nays: none

Meeting adjourned at 9:16 pm EDT.