

**Town of Elmira, New York
Planning Board
Meeting – April 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
Patty Carozza, Recording Secretary

Chairman Miles opens the meeting at 7:00 pm and welcomes everyone.

Chairman Miles asked members if they had read the minutes from the March 10, 2025 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, Kapnolas, and Maloney
Nays: None

Chairman Miles opens the meeting with public comments. He states that anyone who has written a letter or has previously spoken might want to let other people speak. He reminds everyone that the time for speaking is limited to 3 minutes.

The following people addressed the board in opposition of the project:

John Burin, Lenard Ostrander, Lorin Storch, John McGlenn, Mike Robertson, Marty Strong, Charles Paggio, Andrea Paggio, and Mark Spirawk.

Chairman Miles allows the representative from Carson Power, Vardaan Gurung, to address a few concerns. One concern was regarding the Elmira Water Board (EWB) not being informed of the project. Code Enforcement Officer Eric Crandall states that the EWB was notified and the applicant has submitted Certified Mail receipts which show that EWB did receive written notification of the project. He also acknowledged email correspondence between EWB president, Marty Chalk and Carson Power, which was received on September 30, 2024.

Chairman Miles then states that they will begin the process of addressing the questions in Part 2 of the SEQR for the parcel at 200 West Hill Road and states he is unable to read each question aloud. At that time, Attorney Moore offers to read each question in Part 2 of the SEQR. The Board reviewed each lettered sub-question as it reviewed each numbered question.

Question #1 – Impact on Land. The Board agrees that the proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. 1(a) The proposed action may involve construction on land where depth to water table is less than 3 feet; and 1(b) The proposed action may involve construction on slopes of 15% or greater were marked as having a moderate to large impact due to exceeding the numerical threshold established in the question. Question #1 was marked ‘Yes’.

Question #2 – Impact on Geological Features. The Board agrees that the proposed action will not result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site. Question #2 was marked ‘No’.

Question #3 – Impacts on Surface Water. The Board discusses question 3(d) The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. Two members state that it should be a moderate to large impact. Five members state that there will be no, or small impact. Question #3 was marked ‘No’.

Question #4 – Impacts on Groundwater. The Board agrees that the proposed action will not result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. Question #4 was marked ‘No’.

Question #5 – Impact on Flooding. The Board discusses if the proposed action may result in development on lands subject to flooding. Mr. Crandall explains that this project is not in a designated floodway, 100-year floodplain, or 500-year floodplain as mapped by FEMA’s FIRM maps. It is further explained that the Stormwater Pollution Prevention Plan (SWPPP) is established to ensure that post-construction runoff does not exceed pre-construction conditions. The Board agrees that this will result in no, or a small impact. Question #5 was marked ‘No’.

Question #6 – Impacts on Air. The Board agrees that the proposed action will not include a state regulated air emission source. Question #6 was marked ‘No’.

Question #7 – Impact on Plants or Animals. The Board discusses 7(b) The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened, or endangered species, as listed by NYS or the federal government. It is noted that pursuant to the recommendations received by both the Chemung County Planning Board and NYSDEC regarding the Northern Long-eared Bat, all tree cutting shall take place between November 1st and March 31st. This was deemed to be a moderate to large impact. Question 7(f) was discussed and explained that there is no designated significant natural community as mapped by The New York Natural Heritage Program (NYNHP). Question #7 was marked ‘Yes’.

Question #8 – Impact on Agricultural Resources. The Board agrees that the proposed action will not impact agricultural resources. Question #8 was marked ‘No’.

Question #9 – Impact on Aesthetic Resources. The Board discusses 9(c) The proposed action may be visible from publicly accessible vantage points. One member states that it is a moderate

to large impact. Six members state that there will be no, or small impact. It is clarified that this project site has not been identified by NYS as being an officially designated aesthetic resource. Question #9 was marked 'No'.

Question #10 – Impact on Historic and Archeological Resources. The Board agrees that the proposed action will not occur in or adjacent to a historic or archaeological resource, the basis for which is derived from a letter sent by the Office of Parks, Recreation and Historic Preservation (OPRHP) and dated March 5, 2024, stating that, *“Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”* Question #10 was marked 'No'.

Question #11 – Impact on Open Space and Recreation. The Board agrees that the proposed action will not result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. Question #11 was marked 'No'.

Question #12 – Impact on Critical Environmental Areas. The Board agrees that the proposed action will not be located within or adjacent to a Critical Environmental Area. This was discussed and confirmed that the Environmental Assessment Form mapper did not have this project listed as being in a CEA. Question #12 was marked 'No'.

Question #13 – Impact on Transportation. The Board agrees that the proposed action will not result in a change to existing transportation systems. Question #13 was marked 'No'.

Question #14 – Impact on Energy. The Board agrees that the proposed action will not cause an increase in the use of any form of energy. Question #14 was marked 'No'.

Question #15 – Impact on Noise, Odor, and Light. The Board agrees that the proposed action will not result in an increase in noise, odors, or outdoor lighting. Question #15 was marked 'No'.

Question #16 – Impact on Human Health. The Board agrees that the proposed action will not have an impact on human health from exposure to new or existing sources of contaminants. Question #16 was marked 'No'.

Question #17 – Consistency with Community Plans. The Board discusses 17(a) The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use patterns. One member states it is a moderate to large impact. Six members state there is no or a small impact. Attorney Moore explains that the Town zoning laws, Use Table, zoning map, and recently enacted solar law constitutes a comprehensive zoning plan, which is used to make land use determinations. Question #17 was marked 'No'.

Question #18 – Consistency with Community Character. The Board discusses 18(e) The proposed action is inconsistent with the predominant architectural scale and character; and 18(f) The proposed action is inconsistent with the character of the existing natural landscape, and agrees that they should be moderate to large impacts. Question #18 is marked 'Yes'.

The Board finished reviewing Part 2 of the SEQR and noted that questions 1(a), 1(b), 7(b), 18(e), and 18(f) were marked as having a moderate to large environmental impact. They now move

onto part 3 of the SEQR review to discuss whether any of the moderate to large impacts noted on part 2 have been mitigated by the project site plan.

Question #1(a) The average depth to the water table is 1.3ft but will be mitigated by the SWPPP and implementation of the Operation & Maintenance Plan.

Question #1(b) Only 2.2% of the project site exceeds 15% slope and any stormwater runoff is mitigated by the SWPPP.

Question #7(b) The deforestation of approximately 20 acres. This region is noted for being a habitat for the Northern Long-eared Bat, which is listed as 'Endangered' at the state and federal level. Pursuant to NYS guidelines, tree-cutting shall take place between November 1st and March 31st to minimize the disturbance of the protected species. Environmental impacts mitigated by tree-cutting restrictions.

Question #18(e) The proposed action is inconsistent with the character of the existing natural landscape. Member DiPietro recommends that the board include a condition to the site plan which will include a diversification of the screening. The Board agrees that the screening requirements be amended to prohibit a monoculture and include a layered or tiered approach to vegetative implementation. The moderate impact mitigated by the inclusion of the modified screening condition to the site plan.

Question #18(f) The proposed action is inconsistent with the character of the existing natural landscape. The Board agrees that the conditions detailed in question #18(e) also be applied to this question, which will mitigate those moderate impacts.

After completing the SEQR parts 2 and 3 and with no further questions or discussions, Chairman Miles asks for a motion to make a Determination of Significance for a Type 1 listed action for the SEQR and a motion to accept the State Environmental Quality Review.

MOTION by Robert Knapp to make a Negative Declaration to the SEQR for Hillcrest Solar Project located at 200 West Hill Road.

Second by Nick Kapnolas

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

Nays: DiPietro

MOTION by Mike Kohberger to accept the State Environmental Quality Review

Second by Nick Kapnolas

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

Nays: DiPietro

Next, Chairman Miles states that they will need to look at the Proposed Resolution in regard to this project. At this time, Robert Knapp makes the motion to approve the site plan and reads the entire motion. After he finishes, Nick Kapnolas seconds the motion. Chairman Miles asks if there is any further discussion or questions from board members. Paul DiPietro states that he is uncomfortable with the language in regards to the part where it states "The applicant has asked that funds from the HOST agreement be used to support the Town's Tree Law." He would like

that removed. He also wants to add to the proposed motion that vegetation that has died should be replaced by equal or better quality. Also, if the tree clearing results in areas that are not adequately screened from neighbors, he would like additional screening, and he would like the screening to be layers with diversification of native species and sizes. This will be added to the resolution.

He then asks what could be done if the project gets decommissioned. Paul wonders if there could be an agreement to make sure that trees are replaced or replanted. Attorney Moore states that the owner would have to negotiate that with the developer as it would be between them. At that time, the representative from Carson Power, Vardaan Gurung, states that they would just reseed and grass would be planted.

The discussion ends as Chairman Miles asks the secretary to put the resolution to vote. Votes are cast as follows:

MOTION by Robert Knapp to approve the final site plan and special use permit as amended by the discussion for a 4.6 MW solar array located at 200 West Hill Rd.

Second by Nick Kapnolas

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

Nays: DiPietro and McConnell

A copy of the Resolution is hereto attached and added to the minutes.

Chairman Miles then asks if there is any other business for the board other than the upcoming trainings required by the state. Hearing none, Chairman Miles then asks if there is a motion to adjourn.

MOTION is made by Nick Kapnolas to adjourn

Seconded by Ron McConnell

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

Nays: None

****Meeting ends at 9:45 pm****