

CHEMUNG COUNTY PLANNING BOARD
MEETING NOTES
MAY 22, 2025

Present

Joseph Coletta, Chair
Frank Pierce
Mark Watts
Marilyn Paulo
Emma Miran
Michelle Podolec
Kevin Meindl, Staff
Sean McGranaghan, Staff
Nanette Moss, Staff
Nikole Watts, Chemung County Stormwater Coalition

Excused

Henry Dalrymple
Nick Vosburg
Elisabeth Corveleyn

Visitors

Simone White, Cooperative Extension

1. Call to order at 3:01 p.m.
2. Approval of Meeting Notes - After discussion of the April 24, 2025 notes, there were no questions, comments or corrections from the Board and the minutes were approved as distributed on a motion made by Michelle Podolec, seconded by Frank Pierce. All in favor, aye; opposed, none. Motion carried.
3. Visitor Comments (accepted after each referral review).
4. Zoning Referrals
5. Staff Comments

A. VILLAGE OF HORSEHEADS – Zoning Area Variance - Boras

DISCUSSION: Request for zoning area variance to install a 12'x16' shed on pre-existing concrete pad exceeding side-yard setback distance requirements in an R-1 (One-Family Residential) Zoning District. Property is located at 122 Daffodil Rd. within 500' of the Town of Horseheads boundary line. K. Meindl reported that there is an existing concrete pad to install a shed. There is no non-referral agreement in place with the village which would remove the need to conduct review of this referral. DOT has commented that there is a SEQR issue to be addressed: Question 15 – This should be answered 'Yes". It pertains to the Northern Long Eared Bat. K. Meindl recommended local determination stating there are no countywide impacts. J. Coletta summarized that local determination has been recommended with

no countywide impacts. There being no further discussion, J. Coletta called for a motion for local determination.

MOTION: Made by Mark Watts, seconded by Marilyn Paulo, recommending local determination stating no countywide impacts. Members in favor, all; opposed, none. Motion carried.

B. TOWN OF CHEMUNG – Zoning Text Amendment – Town of Chemung

DISCUSSION: Request for review of proposed zoning text amendment for Local Law #1 of 2025 Battery Energy Storage System Law. K. Meindl recommended tabling this referral to stay consistent relating to the County Executive’s efforts in determining how to approach a Battery Energy Storage System Law as regards the county. J. Coletta summarized that a recommendation to table this referral has been made. J. Coletta called for a motion to table this referral.

Motion: Made by Frank Pierce, seconded by Mark Watts, tabling this referral for consistency in the County Executive’s efforts in determining the county’s approach to Battery Energy Storage Systems Law as regards the county. Members in favor, all; opposed, none. Motion carried.

C. TOWN OF VETERAN – Review of Proposed local Law to Regulate Solar Energy Systems in the Town of Veteran – Town of Veteran

Present: Winston Wolf, Town of Veteran Town Board

DISCUSSION: Request for review of proposed Local Law to Regulate Solar Energy Systems in Town of Veteran. K. Meindl reported that the town underwent a solar moratorium and created a local law with requirements for decommissioning, financial component, emergency management considerations, asking if Winston Wolf wished to elaborate regarding the Town’s interest in updating its comprehensive plan, and was advised of the current solar law which lacks a host agreement, decommissioning program left to the developer’s discretion, second moratorium completed and the goal--consider all stakeholders, developers, town citizens, for a balanced approach. K. Meindl suggested that the Town of Veteran review the Town of Big Flats recently adopted solar law allowing setback flexibility, to consider leeway of the existing 250’ setback for their Town Planning Board to make that determination with the developer, property owner, commenting that the flow chart included is very helpful. K. Meindl recommended local determination, stating no countywide impact. DOT has commented that there is a SEQR issue to be addressed: Question “C.3.b” “Is the use permitted or allowed by a special or conditional use permit?” is not answered; we believe the answer would be No. Nikole Watts advised that the Stormwater Coalition regulates that under Tier 2 it is up to eight acres, informing that the Town of Veteran is an MS4 and any disturbance over one acre requires a stormwater management plan. Additionally, it is in their Tier 3 and they should move that with their Tier 2 as well. Page 14 of Environmental Resources discusses removing trees larger than 6”, and the State desires the Stormwater Coalition office to regulate which trees people can cut on their own property, which the Stormwater Coalition office disputes noting encroachment on private property rights. In applying for a logging permit, they cannot be restricted from cutting down a tree over 6”--a tree removal plan should not include: 6” diameter limit, and restraints on tree removal. A tree removal plan is recommended if they have a SWPPP, as Jimmie Joe Carl will request a tree removal plan. K. Meindl noted that if the Town was concerned about clear cutting or tree removal, review can occur under a tree management program or

forestry plan and would still have control over those activities but without the language of *nothing greater than 6"*. Winston Wolf advised that they continue working to improve and streamline this law and wish to discuss comments made here today at their public hearing scheduled for 7:00 p.m. tonight. K. Meindl recommended local determination with comments. M. Watts remarked that the setback comment should be considered by the town to which Winston Wolf concurred. M. Watts asked Winston Wolf for the host community fee amount charged and was advised that it was originally \$25,000 per mw, subsequently counseled by attorneys no dollar amount be included and is now zero, and that the Town Planning Board negotiate with everyone on a case-by-case basis. K. Meindl noted the big visual impact, that they could request more money and to be aware of push back. Winston Wolf added that if the Town Planning Board finds that after a site has been built and aesthetics affected-- trees planted died for example—wording is included stating funds are needed for this in the future. M. Watts asked Winston Wolf what the assessment or visual impacts by a third party would cost and was advised no engineering firm on staff, professional services law in place for developers to deposit moneys in an escrow account which the Town would use to engage a specialist for answers. M. Watts mentioned road repair and restoration bonding asking that if a bond is required from the developer, do they have a say over any milk truck, school bus, concrete truck with respect to any possible damage that could occur, commenting that the developer should have the ability to tell these individuals not to use the road. Winston Wolf advised that a weight limit law in the Town is being revised to clarify some of the terms, such as *local delivery*. He informed that the Town Planning Board previously went through a solar development. This law provides the Town Planning Board more tools and will include a booklet referencing if Tier 2 or Tier 3 how it applies to this document and follow steps indicated, etc. K. Meindl asked if there were any further questions and there were none. J. Coletta summarized that local determination has been recommended, comment regarding stormwater, SEQR, inquire with the Town of Big Flats on their setbacks for possibilities, decommissioning plan, flexibility. Nikole Watts informed that the Town of Big Flats law a good model to explore, replicate. K. Meindl was not sure adoption was completed yet noting that a draft received can be sent to Winston Wolf. There being no further comments or questions, J. Coletta called for a motion for local determination along with comments regarding SEQR and contacting the Town of Big Flats regarding their stormwater and decommissioning plan, setbacks, flexibility.

Motion: Made by Mark Watts, seconded by Emma Miran, recommending local determination stating no countywide impacts along with comments from DOT to address SEQR: Question “C.3.b” is not answered, inquire with the Town of Big Flats on their setbacks for flexibility, decommissioning plan, stormwater law, review the Town of Big Flats recently adopted solar law. Members in favor, all; opposed, none. Motion carried.

D. TOWN OF HORSEHEADS— Review of Proposed Site Plan – McCarthy Tire Service

DISCUSSION: Request for review of proposed site plan to permit construction of canopy for tire storage area and canopy at loading dock in a Business Zoning District. Property is located at 3160 Lake Rd. within 500’ of Lake Rd. (CR 65). K. Meindl reported that this is a request for a simple canopy. There is no non-referral agreement in place with the Town of Horseheads that would remove the need to conduct review of this referral. DOT has commented that there are SEQR issues to be addressed: Question 9 – Applicant needs to select ‘Yes’ or ‘No’ because “N/A” is not an option for an answer. Question 15 – This should be answered ‘Yes’. There is no countywide impact. We recommend local determination with comments to address SEQR. J. Coletta commented that the purpose of the canopy is for recapping and safety. J. Coletta summarized that local determination has been recommended

along with comments from DOT to address SEQR . There being no further comments or questions, J. Coletta called for a motion for local determination along with comments regarding SEQR.

Motion: Made by Mark Watts, seconded by Frank Pierce, recommending local determination stating no countywide impacts along with comments from DOT to address SEQR: Question 9 – Applicant needs to select ‘Yes’ or ‘No’ because “N/A” is not an option for an answer. Question 15 – This should be answered ‘Yes’. Members in favor, all; opposed, none. Motion carried.

E. TOWN OF BIG FLATS – Review of Proposed Site Plan and Special Use Permit – Park Grove

Present: Brian Grose, Fagan Engineers rep Park Grove, Pet., T. of Big Flats

DISCUSSION: Request for review of proposed site plan and special use permit to allow construction of six 10 multi-dwelling unit two-story high buildings for 1, 2- and 3-bedroom units with clubhouse, playground, parking, stormwater management and associated utilities in the Business Regional (BR) Zoning District. Property is located at corners Colonial Dr., and Armory Rd. (private road) within 500’ of Colonial Dr. (CR 74) and Town of Horseheads boundary line. K. Meindl reported this property borders NYS Armory for the National Guard, asking Brian Grose if an agreement existed and was advised it’s in progress. K. Meindl noted there is stormwater management onsite, landscaping plan, good planting plan, EV charging stations proposed. Property is currently vacant, previously approved for hotels that did not materialize. A special permit is necessary to allow residential construction in the Business Regional Zoning District. Brian Grose advised that they first met with the Planning Board in April with special permit process yet to occur. K. Meindl asked Brian Grose if this was a one phase construction to which he confirmed. K. Meindl noted to Brian Grose that coordination occur with the National Guard for site driveway access and was advised that it is a straightforward site plan—housing, stormwater, all utilities available, playground planned. K. Meindl commented that this looks like a beneficial project, asking Brian Grose if they would consider pedestrian amenities such as a sidewalk leading to the road or connecting beyond internal, as there may be an opportunity there for the sidewalk to bridge to the hotel next door and was advised he will confer. K. Meindl noted that there is no SEQR. DOT has advised that they have no comment. M. Paulo asked Brian Grose if there would be an office and was advised that the clubhouse would house the office with a maintenance shed attached along with laundry facilities. M. Paulo commented that the spirea bushes indicated in the site plan draw bees, was advised by Brian Grose that the spirea bush is considered a placeholder, nothing finalized yet and would be changed. K. Meindl noted that there is no substantial countywide impact, commenting that a profile section, vinyl siding, specifics on the design, how it is to be constructed were not included in the referral materials and was advised they were at an early concept stage level. Nikole Watts noted that stormwater is handled in-house by the Town of Big Flats. K. Meindl recommended that the Board could consider local determination or town approval. There being no further discussion, J. Coletta called for a motion for local determination with comments.

Motion: Made by Michelle Podolec, seconded by Marilyn Paulo, recommending local determination stating no countywide impacts along with comments that coordination was needed with the National Guard for the proposed site with driveway access, consider a sidewalk connecting to the existing hotel to the west. Members in favor, all; opposed, none. Motion carried.

5. **Visitors Comments:** J. Coletta called for any visitor comments on any matters.

Planning Commissioner's Report – Kevin Meindl:

K. Meindl advised that the Comprehensive Plan is underway with draft materials expected and will be discussed at our next meeting on June 26.

Planning Board Chairman:

Chairman Joseph Coletta reminded the Board that the STC Annual Leadership Conference is being held on June 5, 2025 at Corning Community College. Chemung County Planning Board Members are confirmed to attend.

Next CCPB Meeting:

Our next meeting will be in person unless there is no quorum. As a reminder, we will be meeting at the Human Resources Center building, first floor, Room #110. Please note that we plan to meet next on **Thursday, June 26, 2025.**

A motion to adjourn was made by Mark Watts, seconded by Frank Pierce. All in favor, aye; opposed, none. Motion carried. Full Meeting adjourned at 3:36 p.m.