

**CHEMUNG COUNTY PLANNING BOARD
MEETING NOTES
SEPTEMBER 25, 2025**

Present

Frank Pierce
Mark Watts
Marilyn Paulo
Emma Miran
Michelle Podolec
Nick Vosburg
Elisabeth Corveleyn
Dave McCormick, Staff
Lauren Hotaling, Staff
Nanette Moss, Staff

Excused

Joseph Coletta, Chair
Henry Dalrymple

Visitors

1. Call to order at 3:00 p.m.
2. Approval of Meeting Notes - After discussion of the August 28, 2025 notes there were no questions, comments or corrections from the Board and the minutes were approved as distributed on a motion made by Mark Watts, seconded by Michelle Podolec. All in favor, aye; opposed, none. Motion carried.
3. Visitor Comments (accepted after each referral review).
4. Zoning Referrals
5. Staff Comments

A. TOWN OF SOUTHPORT– Six-Month Extension Commercial Solar Energy Systems and Commercial Energy Storage Systems Moratorium – Town of Southport – TABLED FROM 8-28-2-25 CCPB Mtg.

DISCUSSION: Request to review proposed six-month extension on Commercial Solar Energy Systems and Commercial Energy Storage Systems moratorium within the Town of Southport. D. McCormick advised that this referral was tabled at the August meeting to request feedback from the Town with no specific response but did speak with the Town Supervisor who advised that they are working on the Town's comprehensive plan with the assistance of STC. D. McCormick noted that DOT had advised that they did not have any comments regarding this referral. D. McCormick recommended local determination. D. McCormick asked if there was any further discussion, questions or comments from the Board and there were none. D. McCormick called for a motion for local determination.

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

B. TOWN OF ASHLAND– Special Use Permit - Town of Renovus Solar – TABLED FROM 8-28-2025
CCPB Mtg.

DISCUSSION: Request for review of special use permit to establish and operate a two-acre AC community solar farm for location adjacent to existing two-acre solar farm in a Residential Transition Zoning District. Property at 3374 Lower Maple Ave. within 500' of SR 427. D. McCormick advised that this referral was tabled at the August meeting to request feedback from the Town and there was none. The request includes solar panels and collection system. There is no BESS proposed. N. Vosburg advised that he had no comments. Nikole Watts advised that no SWPPP (Stormwater Pollution Prevention Plan) was needed because they would be disturbing less than one acre. D. McCormick advised that DOT has commented on the SEQR Form as follows: *Question #10 and #11:* The "if No" section needs to be filled out. *Question #15:* This should be answered "Yes". This site is within the federal range of the Northern Long-eared Bat, Green Floater, and Monarch Butterfly. *Question #16:* This should be answered "Yes". Any new driveway proposals shall require HWP. He asked if the Board had any further discussion, questions or comments and there was none. He called for a motion for local determination along with DOT SEQR Form comments.

Motion: Made by Michelle Podolec, seconded by Mark Watts, recommending local determination stating no countywide impacts along with comments from DOT on the SEQR Form as follows: *Question #10 and #11:* The "if No" section needs to be filled out. *Question #15:* This should be answered "Yes". This site is within the federal range of the Northern Long-eared Bat, Green Floater, and Monarch Butterfly. *Question #16:* This should be answered "Yes". Any new driveway proposals shall require HWP. Members in favor, all; opposed, none. Motion carried.

C. TOWN OF ELMIRA – Special Use Permit and Site Plan Community Solar Project – SUNN 1012, LLC
Present: Bryan Dunbar, Andrew Van Doorn, Bartola Moralis, Abundant Solar; William Van Alst, Abundant Solar, via Webex

DISCUSSION: Request for review of proposed special use permit and site plan to develop a 1.727 megawatt AC ground mounted community solar project covering approximately 8.77 acres of the 126 acres, contain approximately four 498 photovoltaic modules, with work limits of project site estimated at a total of approximately 20 acres in an Agricultural/Residential (AR) Zoning District. Property is located at 2770 CR 60 within 500' of Old Route 17 (CR 60). D. McCormick advised that the Town Board has reviewed the proposed project which would be located on approximately nine acres. There are no battery energy storage systems in the plan, just panels. N. Vosburg noted that the SWPPP review and approval are going through the Town. Applicant needs a Chemung County Highway Permit. Applicant has been coordinating with the Commissioner of Public Works and the Town engineer to make provisions for that work. Applicant needs to coordinate Stormwater Permits with the Town of Elmira. Initial plans provided show a significant grade change coming off the road and approaching the site. Grading provided in preliminary plans is incomplete and unsatisfactory. Grading provided is inconsistent and differs from sheet to sheet throughout the plan set. Due to the steep slopes, a detailed review of the grading and stormwater controls should be completed. F. Pierce asked if it was possible to have the start time on construction be 8:00 a.m. to which Andrew Van Doorn responded that their set time is

7:30 a.m.-4:30 p.m. but could change the start time to 8:15 a.m. M. Podolec asked Andrew Van Doorn if the property were above or below the floodplain and was advised it was up on a hill, noting that the hazardous mitigation plan would stabilize steep slopes, potential landslides, land slabs to be taken care of grading. N. Vosburg noted that the SWPPP review would address that to which Andrew Van Doorn added that it has and is part of the additional buffer. They are not exacting slopes. He also noted that Larsen is the engineer. M. Podolec asked Andrew Van Doorn the quality of the forest being removed, is it being logged, what is being removed and was advised that they are conducting a tree survey to determine removing sizes. Similar to the Town. It is logged in the array. D. McCormick advised that DOT has commented on the SEQR Form as follows: *Part B*: This isn't fully filled out. *Section E.2.o*: This should be answered "Yes". The project site is within the range of the Northern Long-eared Bat (*Endangered*), the Green Floater (*Proposed Threatened*), and the Monarch Butterfly (*Proposed Threatened*) which are listed by the USFWS. There will be substantial tree cutting for this operation as depicted by the applicant. Please coordinate with USFWS using IPaC (<https://ipac.ecosphere.fws.gov/>) *Question E.2.e*: This needs the rest of the questions filled out. *Question E.2.g*: This needs the "Yes" or "No" checked. *Part G*: The Applicant/Sponsor name should be the printed version of whomever signed. He noted that these comments will be forwarded to the Town which includes unanswered questions. Nikole Watts asked where stormwater would go, noted the SWPPP application, stated that Jimmie Joe Carl will send a letter to the Town and Larsen Engineering. They will meet three times with Jimmie Joe Carl. D. McCormick recommended local determination. D. McCormick asked if there was any further discussion, questions or comments from the Board and there were none. D. McCormick called for a motion for local determination along with DOT comments regarding the SEQR Form.

Motion: Made by Frank Pierce, seconded by Elisabeth Corveleyn, recommending local determination stating no countywide impacts along with comments from DOT as follows: *Part B*: This isn't fully filled out. *Section E.2.o*: This should be answered "Yes". The project site is within the range of the Northern Long-eared Bat (*Endangered*), the Green Floater (*Proposed Threatened*), and the Monarch Butterfly (*Proposed Threatened*) which are listed by the USFWS. There will be substantial tree cutting for this operation as depicted by the applicant. Please coordinate with USFWS using IPaC (<https://ipac.ecosphere.fws.gov/>) *Question E.2.e*: This needs the rest of the questions filled out. *Question E.2.g*: This needs the "Yes" or "No" checked. *Part G*: The Applicant/Sponsor name should be the printed version of whomever signed. Members in favor, all; opposed, none. Motion carried.

D. TOWN OF HORSEHEADS– Site Plan Review – Baccile/Good Fellas Garage
Present: Gary Baccile

DISCUSSION: Request for review of proposed site plan for construction of pole barn for cold storage at existing Good Fellas Garage in a Business Zoning District. Property is located at 3072 Lake Rd. within 500' of CR 65. D. McCormick advised that DOT has commented on the SEQR Form as follows: The Project Location needs the address of where the pole barn is going. *Question #5*: Aquatic should also be checked. Newtown Creek is directly behind the location. *Question #9*: This should be answered "Yes". It seems like it will meet the energy code requirements. *Question #14*: This should also have Wetland checked. *Question #15*: This should be checked "yes". The project site is within the range of the Northern Long-eared Bat, Green Floater, and the Monarch Butterfly which are federally listed. Gary Baccile noted that there are four trees between the fence that need cutting to make it fit. M. Watts asked Gary Baccile how close the property is to the stream and was advised it was 106'; it was taken care of previously so the stream cannot move toward it anymore. The ground elevation is 30 feet above

the stream behind the property. M. Watts noted that if the tree goes upstream and plugs it, to not ask taxpayers to come back to which Gary Baccile advised it should be fine, that there can be trees that follow over Newtown creek. DEC does not necessarily clean them out. M. Podolec asked Gary Baccile about flooding in the area proposed and was answered no, that there was an elevation change. Drawings have not been updated yet. The level where floors are is another 35' down to the creek. It used to be a lot closer than that but not anymore. It is almost in line with the back side of the garage. The beginning of the building is lined up with the garage. The fence line is where the property line is located. Nikole Watts asked Gary Baccile if they would be disturbing over an acre and was advised that it would not, that it was a 40'x60' area. McCormick recommended local determination along with the SEQR comments. He asked if there was any further discussion, questions or comments from the Board and there were none. He called for a motion for local determination and to address SEQR Form.

Motion: Made by Frank Pierce, seconded by Emma Miran, recommending local determination stating no countywide impacts along with DOT comments to address the SEQR Form as follows: The project location needs the address of where the pole barn is going. *Question #5:* Aquatic should also be checked. Newtown Creek is directly behind the location. *Question #9:* This should be answered "Yes". It seems like it will meet the energy code requirements. *Question #14:* This should also have Wetland checked. *Question #15:* This should be checked "yes". The project site is within the range of the Northern Long-eared Bat, Green Floater, and the Monarch Butterfly which are federally listed. Members in favor, all; opposed, none. Motion carried.

E. CITY OF ELMIRA – Zoning Area Variance – Carbonic Systems/Balland Fence

DISCUSSION: Request for review of proposed zoning area variance to install an eight foot high chain link fence as a deterrent to crime in response to recent buildings break-ins in a General Commercial (BE) Zoning District, exceeding the seven foot fence height restriction of the existing fence. Property is located at 905 Lackawanna Ave. within 500' of Clemens Center Parkway. D. McCormick noted that the business has experienced problems caused by people breaking into its property and wish to erect the eight foot fence. Staff member Lauren Hotaling drove by the location and advised that the fence will be anchored, other businesses located across the street, would not present an eyesore or affect the character of the neighborhood. The Zoning Board of Appeals has approved the request. D. McCormick noted that DOT submitted the following comments regarding SEQR: A brief description of the proposed action is needed. *Question #15:* should be yes. This should be answered "Yes". This site is within the federal range of the Northern Long-eared Bat, Green Floater, and Monarch Butterfly. *Question #16:* This should be answered "Yes". D. McCormick recommended local determination along with the need to address SEQR. He asked if the Board had any further discussion, questions or comments and there was none. He called for a motion for local determination along with comments to address SEQR.

Motion: Made by Frank Pierce, seconded by Elisabeth Corveleyn, recommending local determination stating no countywide impacts along with comments regarding SEQR: A brief description of the proposed action is needed. *Question #15:* should be yes. This should be answered "Yes". This site is within the federal range of the Northern Long-eared Bat, Green Floater, and Monarch Butterfly. *Question #16:* This should be answered "Yes". Members in favor, all; opposed, none. Motion carried.

F. TOWN OF SOUTHPORT – Proposed Local Law 5 Six-Month Extension of Temporary Moratorium For Operating Unlicensed Retail Businesses Involving Transfer, Distribution, or Sale of Cannabis within the Town of Southport – Town of Southport – ADD-ON ITEM

DISCUSSION: Request to review proposed Local Law 5 of 2025 for a six-month extension of the Temporary Moratorium for Operating Unlicensed Retail Businesses involving the Transfer, Distribution, or Sale of Cannabis within the Town of Southport. D. McCormick advised that staff had researched the number of times that the Town of Southport has continued to request adding a six or 12 month extension against unlicensed retail business operations noting that questions were raised, particularly that if it is illegal, why is a Moratorium needed. The State has struggled with how they would manage. The Office of Cannabis management dropped the ball; sticker shops took advantage. We have seen them going in a better direction. The question is do we send back for local determination so they can continue working on how they want to craft their local law. Why did they feel it necessary to have a local law. They have gotten to the point now where the state has stepped up doing enforcement, locking doors. It is tightly regulated. Southport feels they still need a local law and want the six month extension. M. Podolec suggested that we could send it back for local determination with the comment to the town that we do not think this is necessary anymore. D. McCormick said we will include discussion in the form we send back to the town resulting from our meeting recommendation, comments from today. D. McCormick recommended local determination. D. McCormick asked the Board if there was any further discussion, questions or comments and there were none. He called for a motion for local determination.

Motion: Made by Frank Pierce, seconded by Marilyn Paulo, recommending local determination for the proposed six-month extension of the Temporary Moratorium for Operating Unlicensed Retail Businesses involving the Transfer, Distribution, or Sale of Cannabis within the Town of Southport stating no countywide impacts along with the Board's comments asking why it is necessary to have a Moratorium if cannabis is illegal. Members in favor, all; opposed, none. Motion carried.

G. TOWN OF ASHLAND – Site Plan Review and Zoning Area Variance – Rock Quarry Farms LLC
– ADD-ON ITEM

Present: William and Brittany Petta

DISCUSSION: Request to review proposed site plan to grow adult cannabis in greenhouse and canopy/outdoor grow area for selling to licensure stores and a zoning area variance to install an 8' fence around perimeter of the growing area in an Industrial Zoning District. Property is located at 3281 Lower Maple Ave. within 500' of SR 427. He noted that DOT had advised that they do not have any comments regarding this referral. M. Podolec asked if there was going to be a public hearing to which Brittany Petta advised it was scheduled for October 9. M. Paulo asked if there would be tent growing and was advised by Brittany Petta that it would be an eye tunnel; outdoor growing cannabis. D. McCormick asked if there would be any traffic issue and was advised by William Petta that there would be no traffic issues. N. Vosburg advised that he did not have any comments. D. McCormick recommended local determination. D. McCormick asked if there were any further questions from the Board and there were none. He called for a motion for local determination.

Motion: Made by Mark Watts, seconded by Michelle Podolec, recommending local determination of the proposed site plan and zoning area variance stating no countywide impacts. Members in favor, all; opposed, none. Motion carried.

Acting Planning Commissioner David McCormick advised that the Board has been without a chairman. He opened the floor for any interest from Board members and called for any nominations. Frank Pierce was nominated and accepted the nomination. David McCormick called for a motion to approve Frank Pierce as the Chemung County Planning Board Chairman. A motion was made by Michelle Podolec, seconded by Mark Watts approving Frank Pierce as the Chemung County Planning Board Chairman. Members in favor, all; opposed, none. Motion carried.

5. Visitors Comments: None

Planning Commissioner's Report – Acting Planning Commissioner Dave McCormick:

A reminder was given to the Board that the annual Planning Board Training is scheduled Tuesday/December 2 at the Horseheads American Legion to be given by New York State Department of State staff who will present courses on timely topics. Attendance at this training will provide the required yearly four hours that Board members need to attain. Our staff will be there at 3:00 p.m. to set up registration/check-in, courses starting, refreshment break, conclusion of courses and questions as time allows, exit by 8:30 p.m. We will e-mail an invitation to the Board in the coming weeks.

Fisher Associates continues work on the Comprehensive Plan, Local Waterfront Revitalization Plan and Agriculture and Farmland Protection Plan. Board member Michelle Podolec chairs the Agriculture & Farmland Protection Board. We have received a draft of the Agriculture and Farmland Protection Plan and will forward that to Michelle Podolec. The Agriculture and Farmland Protection Board will meet on October 10 regarding the 8-year review of the Chemung County Agricultural District. The State sends it for the legislature to report. Our Board reports it to the legislature. The draft report from Fisher will help identify where we have been, where we are going, any concerns. There is an annual 30-day opportunity for anyone interested in joining or requesting removal from the Chemung County Agricultural District. This goes to the county legislature for approval as well. There is an eight or nine mile stretch connecting the Catharine Valley Trail with the Lackawanna Rail Trail. Recently the North South Bike Trail was completed, located by the Elmira Correctional Facility through Elmira Heights. Markings on the street have been said to be confusing. Will have an education campaign so motorists and bicyclists know where to go. We see more people riding electronic scooters and electronic bicycles. It opens up more designated places for bicycles. The North South Bike Trail is almost completed. Thirteenth St. is in Elmira Heights. Paving on E. Church and E. Water Streets is going on for the Elmira Gateway Project. Nick Vosburg advised that the city is working on the Gateway Study and outlined its street boundaries/routes with paving starting shortly. Analysis is being conducted as to what the entrance should look like. Church St. is a four-lane in each direction currently. There is a public meeting scheduled for October 29 at the Steele Memorial Library at 6:00 p.m. and a press release to be sent out. Nikole Watts advised there will be a Fall Fest at the Fairgrounds on October 18 starting at Noon through 7:00 p.m.

Planning Board Chairman:

By vote of the Board, our new Chairman is Frank Pierce.

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, October 23, 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 4:04 p.m.