

MINUTES
TOWN OF HORSEHEADS
PLANNING BOARD MEETING
February 1st, 2023

A regular meeting of the Planning Board of the Town of Horseheads, County of Chemung, and the State of New York was held on the 1st day of February, 2023 @ 7:00PM.

MEMBERS PRESENT: Tom Skebey, Joe Atkinson, Roxanne Mark, Allan Curren, Angela Hawken, Amy Crandall, Brenda Knoll (Re-appointed for 2023 term)

MEMBERS ABSENT: None

OTHERS PRESENT: Tina McGrane, Secretary; John Mustico, Town Attorney; Greg Larnard, Code Director (via Zoom), Sean Reardon, Project Civil Engineer & Permitting Consultant, Tetra Tech; Robert Romine, (via Zoom), Project Developer, ClearPath Energy, LLC; Randy Parker, for the Parker Solar Project; and the following residents for Parker Solar Project: Lisa Vangalis, Karen and David Vaughn, Ken Nicastro, Linda Nicastro (via Zoom); Gary Baccile, Gretchen O. Deglau and Crystal Rupp; Gary Baccile and Tom Knapp, Baccile Construction Solutions; Joseph Dixon, representing the applicant Qiao Q Wu, for an Area Variance at 206 Arthur Street, Horseheads, NY and Tina Hager, CDRC (via Zoom)

CALL TO ORDER: Chairman Tom Skebey called the meeting to order at 7:00pm.

MINUTES: A motion to accept the minutes, of the January 4th, 2023 meetings was made by Board Member Joe Atkinson and seconded by Board Member Brenda Knoll. All were in favor.

CORRESPONDENCE: Letter received January 23rd, 2023, from Mr. Kenneth Nicastro, 135 Vargo Road, Horseheads, NY, to the Town of Horseheads Planning Board, with questions in regard to the ‘Parker Solar Project’

A motion to accept the Correspondence was made by Board Member Roxanne Mark and Seconded by Board Member Brenda Knoll. All were in favor.

OLD BUSINESS:

- A. #742B – ‘Parker Solar Project’, 251-267 Breesport Road, Horseheads, NY – Site Plan Review-Proposed 5MW Solar Project – **PUBLIC HEARING**

The Town’s Attorney, John Mustico, read the Public Hearing Notice that was published in the Star Gazette Newspaper on January 23rd, 2023. Mr. Mustico explained to the Board and

attendees, that it has come to the Board's attention, that some property owners, that were within the required distance, were not notified. The list of properties was not complete, by no fault of Mr. Parker. He sent out the notices to the property owners he was given.

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Mr. Mustico opened the Public Hearing, to allow the residents to come forward to speak. When the attendees are finished speaking, the meeting will be ADJOURNED.

The Town will then send out Public Hearing notices to those property owners that did not receive the notice before and another Public Hearing will be scheduled for Wednesday, March 1st, 2023.

Mr. Mustico opened the Public Hearing and explained the rules of conduct for the Public Hearing. Persons wishing to comment will stand at the podium, state their name and address and upon being recognized, make their statement. John also explained the Planning Board will not respond to questions presented during the Public Hearing. Questions will be addressed when the Public Hearing is closed.

Mr. Mustico opened the Public Hearing to any persons wishing to comment in regard to the request made by Randy Parker, 'Parker Solar Project', for 251-267 Breesport Road, Horseheads, NY. Tax Map #50.00-2-41.31, Tax Map #50.00-2-41.32 and Tax Map #50.00-3-46.2.

Mr. Mustico stated the participants had **three minutes** in which to speak, so that all residents could speak to the Board. Questions, concerns and comments were as follows:

- Ken Nicastro, 135 Vargo Road, Horseheads, NY, came forward to address the Board. Mr. Nicastro made it known at the last meeting that he is against the solar project and had many questions. The questions Mr. Nicastro raised in his letter to the Board, received January 23rd were answered in a letter, received January 31st, from Mr. Sean Reardon, Vice President, Tectra Tech. Mr. Nicastro indicated he had additional questions and he needed more time to 'digest' all the information and to do additional research. He felt Tectra Tech has been very helpful and it was a good idea to have an additional Public Hearing.
- Lisa Vangalis, 119 Vargo Road, Horseheads, NY, came forward to address the Board. She said she made it quite clear at the last meeting that she does not want the solar project to be there. She wants to say for future consideration, that in regard to solar projects, there are many of other locations, not inhabited by people and wildlife, that could be utilized for this type of project.

Ms. Vangalis attended the Chemung County Planning Board meeting and it was suggested by a gentleman, that the County initiate 'these type of projects', so that the money comes from the projects, back through the County to benefit more people, instead of one or two land owners. Ms. Vangalis also mentioned that Tectra Tech, is an 'out of state company'. She said that this solar farm is not actually a 'farm' – it is an 'installation, of a structure that is going to produce electricity – it's a 'utility' that will be in her backyard and her neighbor's backyard and it will impact their 'quality of life'. It will scatter the wildlife and hopefully the wildlife will return. She said it's a financial transaction between this company and the landowner and that this is affecting many, many people.

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- Linda Nicastro, 135 Vargo Road, Horseheads, NY, addressed the Board via Zoom. Mrs. Nicastro made it known she is against the solar project. She has many safety and environmental concerns, along with property values declining. They moved to Horseheads to have a nice quiet, isolated space to live in. Her main concern is ‘losing the view from their dream home’ and the ‘disruption of the wildlife’. She feels this land will be scarred forever from the construction of the solar project, along with the constant noise of motors running and the glare from the panels. She also feels their well water will become polluted. She is not against ‘clean energy’, however, she is asking the Town, who exactly is benefiting from this project. She agreed with Ms. Vangalis that this is not a ‘farm’, it is an ‘industrial producing plant’, in the middle of a family neighborhood.
- Gary Baccile, 146 Vargo Road, Horseheads, NY, came forward to address the Board. Mr. Baccile received a ‘flyer’ in his mailbox and asked if it was from the Town. He understood the situation after Mr. Mustico explained what happened with the Public Hearing notification letters. Mr. Baccile is concerned about the wildlife, which will deter to different directions. He also asked if there is a ‘legal distance’ from the back of a house, from a Town stand point. Mr. Mustico indicated his question will be answered next month at the Public Hearing.
- Crystal Rupp, 125 Vargo Road, Horseheads, NY, came forward to address the Board. Ms. Rupp asked how far back the ‘grids’ and ‘panels’ would be from their homes and who was benefitting from this project.

Mr. Mustico adjourned this Public Hearing. The Planning Board Secretary will send out the notification letters of the upcoming Public Hearing on March 1st, 2023. This will give the neighboring residents time to address their concerns to the Board.

A motion to Adjourn the Public Hearing was made by: Board Member Joe Atkinson and
Seconded by Board Member Brenda Knoll

RESOLUTION #5 OF 2023

RESOLUTION TO CALL FOR A PUBLIC HEARING - PROJECT #742B, PARKER SOLAR PROJECT, 251-267 BREESPORT ROAD, HORSEHEADS, NY – 5MV SOLAR PROJECT – SITE PLAN REVIEW – TAX MAP #50.00-2-41.31, TAX MAP #50.00-2-41.32 AND TAX MAP #50.00-3-46.2

Motion by: Board Member Joe Atkinson Seconded by: Board Member Brenda Knoll

WHEREAS, a Pre-Application Conference Submittal was received April 27th, 2022, from Mr. Robert Romine, Project Developer, from Clear Path Energy, LLC, for the proposed Parker Solar Project, located at 251-267 Breesport Road, Horseheads, NY, and

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WHEREAS, the Pre-Application Conference Submittal included a Zoning Map and Site Locus Map, marked 'A', dated April 27th, 2022, and

WHEREAS, current zoning is AG/Res A, and

WHEREAS, a Site Plan Review Application was received November 2, 2022, along with emailed electronic copies of the Preliminary Site Plan, dated the same, and

WHEREAS, the Board accepted the Preliminary Site Plan at the December 7th, 2022 meeting, and

WHEREAS, due to some residents not being notified of this Public Hearing, another Public Hearing was set for March 1st, and

WHEREAS, the Town Planning Board, having duly considered the same, and

NOW, THEREFORE, BE IT RESOLVED, the Town Planning Board of the Town of Horseheads, will hold a Public Hearing, March 1st, 2023, at 7PM, 150 Wygant Road, Horseheads, NY, for Project #742B, Parker Solar Project, 251-267 Breesport Road, Horseheads, NY, Tax Map #50.00-2-41.31, Tax Map #50.00-2-41.32 and Tax Map #50.00-3-46.2

AYES: (7) Atkinson, Curren, Knoll, Crandall, Mark, Hawken, Skebey

NAYES (0)

B. #798A – Baccile Construction Solutions, LLC, 3145 Lake Road, Horseheads, NY – Final Site Plan Review – 4 Bay Addition to the Backside of Existing Building

Gary Baccile, Baccile Construction Solutions, LLC, attended the meeting with Thomas Knapp, owner of Knappy's Auto Body. Mr. Baccile was hired to construct a 4-Bay Addition to the Backside of the Existing Building at 3145 Lake Road, Horseheads, NY.

This project was sent to the Chemung County Planning Board. The Board determined this project be returned to the Horseheads Planning Board for local determination.

Chairman, Tom Skebey, read all eleven (11) questions of SEQR, PART 2 – Impact Assessment. The Board reviewed and discussed all eleven (11) questions. The response to each question is as follows:

1. No, material conflict with the adopted land use plan or zoning regulations.
The project site is zoned Industrial Park Zone

2. Yes, the project is consistent with use. The project will have small impact upon the land use.
3. No, will action impair the character or quality of the existing community.

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4. No, action will not have an impact on the environmental characteristics that caused the establishment of a Critical Environment Area (CEA). There are no CEAs located in Chemung County.
5. No, action will result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway. The level of service will have minimal/small impact upon the community. Improvement of truck flow.
6. No, action will cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities. New York State's energy code requirements must be followed. Small impact.
7. No, action will impact existing public or private water supplies or public or private wastewater treatment utilities beyond the current ability of the suppliers to accommodate.
8. No, impact on the character or quality of important historic, archaeological, architectural or aesthetic resources.
9. No, adverse impact upon natural resources. The portion of the 100- year flood plan is not being disturbed. Reviewed the map. No flood plain development permits needed.
10. No, increase in the potential for erosion, flooding or drainage problems. No physical impact on property. All plans to be reviewed by the Stormwater Team before construction begins.
11. No, action would create a hazard to environmental resources or human health.

Part 3 of the SEQR is the Lead Agency's determination of significance summary. As a result, of the discussion of Part 2 of the SEQR, the Planning Board determined, based on the information and analysis above the proposed action will not result in any significant adverse environmental impacts. Chairman, Tom Skebey, check marked the appropriate box, signed and dated the SEQR, February 1st, 2023. This project was classified as an unlisted action by the Planning Board in accordance with the State Environmental Review. It will not have any significant adverse environmental impacts.

A motion to Accept SEQR was made by: Board Member Joe Atkinson and Seconded by Board Member Brenda Knoll

RESOLUTION #6 OF 2023

RESOLUTION TO APPROVE PROJECT #798A, GARY BACCILE, BACCILE CONSTRUCTION SOLUTIONS - FINAL SITE PLAN REVIEW - 4-BAY ADDITION TO THE BACKSIDE OF EXISTING BUILDING AT KNAPPY'S AUTO BODY, 3145 LAKE ROAD, HORSEHEADS, NY -- TAX MAP #69.10-4-4-2

Motion by: Board Member: Brenda Knoll Seconded by: Board Member Roxanne Mark
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WHEREAS, by way of a Site Plan Application, received December 15th, 2022. Mr. Gary Baccile, of Baccile Construction Solutions, LLC, residing at 146 Vargo Road, Horseheads, NY, requested a site plan review for the property located at 3145 Lake Road, Horseheads, NY, and

WHEREAS, the property located at 3145 Lake Road is owned by Mr. Thomas Knapp, the owner/operator of Knappy's Auto Body, and

WHEREAS, Mr. Knapp hired Mr. Baccile to construct a 4-Bay Addition to the Backside of the Existing Building, with a total site area of 40' x 60', to make more room for vehicles and for an alignment machine, and

WHEREAS, current zoning is Commercial, and

WHEREAS, the Chemung County Planning Board gave the recommendation of 'Local Determination', and

WHEREAS, the Planning Board has duly considered the same, and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board of the Town of Horseheads, approves the Final Site Plan, for Project #798A, Gary Baccile, Baccile Construction Solutions, LLC, to construct a 4-Bay Addition to the Existing Building, located at 3145 Lake Road, Horseheads, NY, for Thomas Knapp of Knappy's Auto Body

AYES: (7) Atkinson, Curren, Knoll, Crandall, Mark, Hawken, Skebey

NAYES: (0)

- C. **#905 – AR Building Company**, 92 Colonial Drive, Horseheads, NY – Referred by the Horseheads Town Board – PUD Amendment Request – Adding Residential Use to Existing PUD Zoning District

The Horseheads Town Board will hold a Public Hearing for this project on Wednesday, February 8th, 2023. This project will carry to the March meeting.

NEW BUSINESS:

- A. **#744A – Qiao Q Wu**, 206 Arthur Street, Horseheads, NY – Area Variance – Front Yard Setback - Applicant is seeking a Relief of 10.34 ft. The Existing Setback is 24.66 ft. Applicant requests to add a 10 ft. Covered Porch on the Residence

Mr. Wu did not attend the meeting. There was a discussion regarding the setbacks in this area that surrounds Arthur Street in Horseheads. Road right-of-way is 60 ft. and the neighboring properties have similar covered entry ways.

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RESOLUTION #7 OF 2023

RESOLUTION TO MAKE A POSITIVE RECOMMENDATION TO THE ZONING BOARD OF APPEALS FOR PROJECT #744A, QIAO Q WU, 206 ARTHUR STREET, HORSEHEADS, NY 14845 – TAX MAP #59.17-3-33.2

Motion by: Board Member Allen Curren Seconded by: Board Member Brenda Knoll

WHEREAS, by way of an Area Variance Application, dated January 20th, 202, along with a survey map, marked and received as ‘A’, dated the same, Mr. Qiao Q Wu, has requested a front yard setback at 206 Arthur Street, Horseheads, NY, and

WHEREAS, Mr. Wu did not appear before the Planning Board on February 1st, 2023, and

WHEREAS, the existing setback is 24.66 ft. and applicant requests to add a 10 ft. covered porch, and

WHEREAS, there is currently only 2 ft. to work with - Applicant is requesting a 14.66 ft. front setback, which is a relief of 10.34 ft., instead of the required 25 ft. setback and,

WHEREAS, the current zoning is Residence B, and

WHEREAS, the Town Planning Board, having duly considered the same,

NOW, THEREFORE, BE IT RESOLVED, the Town Planning Board of the Town of Horseheads, makes a Positive Recommendation to the Zoning Board of Appeals, for the requested setback request of Mr. Wu, at 206 Arthur Street, Horseheads, NY

AYES: (7) Atkinson, Curren, Knoll, Crandall, Mark, Hawken, Skebey

NAYES: (0)

OTHER BUSINESS:

- A. Overlay Zones for Lake Road & Grand Central Avenue
- B. Discussion of Eliminating first 250 ft. Residence A on Town Boards

There was a short discussion about the 250 ft. Residence A. The Board recommended research be done through ‘General Code’; AG/Residential Code to ‘Rural/Residential’

As there was no further business to come before the Board, a motion to adjourn was made by Board Member Brenda Knoll and Seconded by Joe Atkinson @ 7:45 PM. All were in favor.

Respectfully submitted,

Tina McGrane, Secretary
Town of Horseheads Planning Board

DRAFT