

MINUTES
TOWN OF HORSEHEADS
PLANNING BOARD MEETING
March 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 March, 2023 @ 7:00PM.

MEMBERS PRESENT: Joe Atkinson, Allan Curren, Angela Hawken, Amy Crandall

MEMBERS ABSENT: Tom Skebey, Brenda Knoll and Roxanne Mark

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, Project Developer, ClearPath Energy, LLC; Randy Parker, for the Parker Solar Project; and the following residents for Parker Solar Project: Lisa Vangalis, Karen Vaughn, Ken & Linda Nicastro (via Zoom); Ted Wahl, TRW Construction; Charles Olin, Philo Road Property, LLC

CALL TO ORDER: Acting Chairman Joe Atkinson called the meeting to order at 7:00pm.

MINUTES: A motion to accept the minutes, of the February 1st, 2023 meetings was made by Board Member Allen Curren and seconded by Board Member Amy Crandall. All were in favor.

CORRESPONDENCE: None

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, reopened the Public Hearing to allow the residents to come forward to speak in regards 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 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.

Questions, concerns and comments were as follows:

- Ken and Linda Nicastro, 135 Vargo Road, Horseheads, NY, addressed the Board via Zoom.

Mr. & Mrs. Nicastro are not in favor of this solar project in their backyard. He spoke about the possible 'toxicity' that could occur to their well water, so Ken will take it upon himself to test his own water for a 'baseline'. If there was a potential problem with the soil, in the end, it would eventually be Mr. Parker's problem. They asked if there was a possible concession about moving the solar farm closer to Breesport Road.

Mr. Nicastro requested the Horseheads Planning Board to contact Town & Country Fire Department, to submit a plan of how they would contain an electrical fire and if there was an 'evacuation plan' in place, in case of an emergency.

- Lisa Vangalis, 119 Vargo Road, Horseheads, NY, came forward to address the Board.

Ms. Vangalis is not in favor of this solar project. She also spoke of the possible 'toxicity' that could occur and that she would monitor her well water.

She reiterated the fact that she is very unhappy that this specific area was chosen for the site of a solar farm. She is concerned about high winds and the possibility of the panels breaking apart and flying off, causing damage to their homes. She agrees with the Nicastro's that the solar farm should be relocated.

As no one else came forward, Mr. Mustico asked for a motion to close the Public Hearing.

A motion to Adjourn the Public Hearing was made by: Board Member Allen Curren and Seconded by Board Member Angela Hawken.

Mr. Mustico spoke to Mr. Romine and Mr. Reardon about calculations for a decommissioning plan. He then explained to them both, the requests the Town Board will have from them:

- 1) A Decommissioning Plan and Performance Bond from the Institution
- 2) Host Benefit Agreement

Mr. Romine will send Mr. Mustico a draft of the Host Benefit Agreement. The Agreement must be in place before the project will pass and the Planning Board can move forward.

The Town Board must approve the Host Agreement and the Town Supervisor must sign off & authorize the Agreement. Upon approval from the Town Board, the project will come back to the Planning Board, at their April 5th meeting. At that time, the Planning Board will complete the SEQR and take a vote to approve the site plan. Mr. Mustico would like all the paperwork to be ready to be executed.

Mr. Mustico said the local Fire Department, Town & Country, will be contacted in regard to their plans and training exercises, for an electrical fire. The Town of Horseheads falls under Chemung County's 'Disaster Plan' however, he does not know if the County's plan includes solar problems, but he will find out.

Mr. Reardon addressed the concerns about 'toxicity', and contamination to the soil. The ground water is meant to flow toward the river – which is in the opposite direction of Vargo Road.

Mr. Mustico has been involved in four solar projects and has never heard of any soil issues.

Mr. Reardon reiterated that there are **no contaminants** in their process that will affect the water supply to the residents on Vargo Road. The only contaminant would be the fuel and oil from the vehicles and after the initial construction, there will be no longer be trucks, or equipment, therefore, nothing that can contaminate the water supply.

Mr. Mustico asked about the 'Inverter' and where it would be located. The location is normally in the center of the site, because the company wants the wire lengths to be at a minimum. It's basically a 6x8 electrical cabinet, containing wires and fans for cooling. Board Member Allan Curren asked if there would be electrical motors – the motors are known as 'steppers' and in normal operation, the steppers will produce a 'ticking sound, every 15 minutes.

Mr. Reardon was asked about the height size of the panels. At full tilt, they may be higher than the required 15 ft. The max panel height could reach 18 ft. and if so, the project will need an area variance, however, the Board can vary certain applications upon reviewing the site plans.

Mr. Mustico also brought up another issue he has heard about – 'glare' from the solar panels. Mr. Reardon said the panels are oriented toward the sun and the panels rotate with the sun - the panels are not flat to the horizon.

Board Member Curren brought up the 'noise' issue and asked about the noise from 'pounding the post's'. The posts are put in the ground via a pile driver and a lot of it depends on the soil conditions. The construction would occur within a normal 8- hour day. Also, in regard to the noise concern, the noise will come from the actual construction of the site itself – not from the operation of the panels. The 'steppers' (or electric motors), in normal operation, will produce a 'ticking' sound, every 15 minutes. That should be all the noise that is heard.

Mr. Mustico asked if anyone else had any questions they would like to ask.

- Karen Vaughn, 126 Vargo Road, Horseheads, NY, came forward to address the Board.

Ms. Vaughn asked the Board members, how they would feel if this project was in their back yards and what problems they would have with this project. Mr. Mustico spoke up and said the question did not have to be answered. He said 'this is not their purview' as individuals – they are acting **as a Board**. The Board is asked to review the plans and act accordingly.

This item will carry until the April 5th meeting.

NEW BUSINESS:

- A. #523C** – TRW Construction, Ted Wahl, 2382 Corning Road, Horseheads, NY – Pre-Application Conference – Tax Map #69.09-3-4.1 – New Construction of a 2,560 sq. ft. Storage, Office Building, on a Vacant Lot

Mr. Wahl addressed the Board about his plans to construct a Storage/Office Building on a vacant lot. Upon his request for a site plan review application, he was informed that this property is located in an overlay zone, therefore, this meeting was changed to a pre-application conference.

Due to the overlay zoning, the Board suggested that the building be moved toward the back of the property, to utilize more of the vacant land and keep the minimum setbacks. It was also mentioned that the existing curve cut could hinder entrance and exit of the property. After much discussion, the Board requested Mr. Wahl submit an amended site plan.

RESOLUTION #8 OF 2023

RESOLUTION TO REQUEST AN AMENDED SITE PLAN FOR PROJECT #523C, TRW CONSTRUCTION, TED WAHL, 2382 CORNING ROAD, HORSEHEADS, NY – TAX MAP #69.09-3-4-1 – NEW CONSTRUCTION OF 2,560 SQ. FT. STORAGE/OFFICE BUILDING

Motion by: Board Member Allen Curren

Seconded by: Board Member Amy Crandall

WHEREAS, an application for site plan review was submitted by Mr. Wahl on February 15th, 2023, and

WHEREAS, a SEQR and survey map, marked ‘A’, received and dated February 15th, 2023, and

WHEREAS, upon review of the application, this property was found to be located in an overlay zone, and

WHEREAS, it was determined that this application be changed to be a Pre-Application Conference Submittal, and

WHEREAS, the Board requested an amended site plan and survey map, and

WHEREAS, the amended site plan will be submitted to the Chemung County Planning Board, and

WHEREAS, the current zoning is business, 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, requests an amended site plan and survey map, for Ted Wahl of TRW Construction, for construction at 2382 Corning Road, Horseheads, NY, Tax Map #69.09-3-4.1

AYES: (4) Atkinson, Curren, Crandall, Hawken

NAYES (0)

- B. **#603B** – Philo Road Property, LLC/Charles Olin, 103 Philo Road West, Elmira, NY – Minor Subdivision – Total Acreage of Proposed Action 2.256 Acres – Tax Map #58.19-1-8.1

Mr. Olin addressed the board about his plans for the minor subdivision. He stated it's basically connecting two pieces of the property at 2.256 acres, in order for the property to be under the same name for the recreation center/indoor soccer field.

This project will be referred to the Chemung County Planning Board and the Village of Horseheads. A motion was made to call for a Public Hearing on Wednesday, April 5th, 2023.

RESOLUTION #9 OF 2023

RESOLUTION TO CALL FOR A PUBLIC HEARING - PROJECT #603B, PHILO ROAD PROPERTY, LLC/CHARLES OLIN, MINOR SUBDIVISION – 103 PHILO ROAD WEST, ELMIRA, NY – TOTAL ACREAGE OF PROPOSED ACTION 2.256 ACRES – TAX MAP #58.19-1-8.1

Motion by: Board Member Allen Curren Seconded by: Board Member Angela Hawken

WHEREAS, an application was submitted on February 21st, 2023, by Mr. Charles Olin, Philo Road Property, LLC, for a minor subdivision at 103 Philo Road West, and

WHEREAS, a SEQR, copy of a 'Quit Claim Deed' and two survey maps; one marked 'Pre-Existing Conditions', received and marked 'A', dated February 21st, 2023 and one marked 'Subdivision', received and marked 'B', dated February 21st, 2023, and

WHEREAS, current zoning is Business, and

WHEREAS, two pieces of the property, at 2.256 acres, to be connected, in order for the property to be under the same name for the recreation center/indoor soccer field, 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, April 5th, 2023, at 7PM, 150 Wygant Road, Horseheads, NY, for Project # 603B, Charles Olin, Philo Property, LLC, minor subdivision at 103 Philo Road West, Elmira, NY – Tax Map #58.19-1-8.1

AYES: (4) Atkinson, Curren, Crandall, Hawken

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

As there was no further business to come before the Board, a motion to adjourn was made by Board Member Allen Curren and Seconded by Angela Hawken @ 8:05 PM. All were in favor.

Respectfully submitted,

Tina McGrane, Secretary
Town of Horseheads Planning Board