

**Town of Elmira, New York  
Planning Board  
Meeting – August 5, 2024  
MINUTES**

PRESENT: Chairman Mark Miles

Members: Ron McConnell  
Robert Knapp  
Paul DiPietro  
Mike Kohberger  
Nick Kapnolas

ALSO PRESENT: Eric Crandall, Code Enforcement Officer,  
Scott Moore, Town of Elmira Attorney

Nick Cunha, Carson Power  
Kelly Sullivan, LaBella Associates

Chairman Miles opens the meeting at 7:00 pm and welcomes everyone. He excuses Recording Secretary Patty Carozza from the meeting.

Chairman Miles asked members if they had read the minutes from the July 1, 2024 meeting and if anyone had additions or corrections. After hearing none, asks for a motion to approve.

**MOTION** by Nick Kapnolas to accept the minutes as written.

Second by Nick Kapnolas

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

*Nays:* None

**AGENDA ITEM – Site Plan Review for Hillcrest Solar**

Nick Cunha from Carson Power introduces himself and explains that the project located at 200 West Hill Rd consists of the installation of a 4.6 MW AC solar array and a co-located Tesla Megapack battery energy system. This is a Tier 3 solar system per the newly adopted Town of Elmira Solar Law. The project will cover approximately 20 acres of the 25-acre parcel.

Mr. McConnell asks if this land is leased and Mr. Cunha explains that it is a 25-year lease with an option to extend it up to 45-years. Mr. Kohberger notes that this appears to be significant trees covering this property and asks what the plan for clearing them would look like. Mr. Cunha explains that they would have to clear most of the area and that depending on the approval process, the logging would most likely be done in the winter months. Kelly Sullivan of LaBella Associates says that during a site visit it appeared to be a combination of pine and hardwoods. She estimated that roughly half of the hardwoods seemed to be dead Ash

trees and that this was not a dense hardwood forest.

Ms. Sullivan states that an environmental engineer made a site visit during the wetland delineation but a tree survey was not conducted at that time. Attorney Moore mentions that the Solar Law does have a provision that states the cutting of trees 6 inches and larger in diameter should be limited to the maximum extent practicable. The applicant notes that this is a treed site so clear-cutting is unavoidable.

Ms. Sullivan explains the stormwater aspect of the site and indicates that the plan will utilize bioretention areas before the water is discharged to the preexisting stormwater conveyance system. Mr. Crandall notes that the applicant submitted a Stormwater Pollution Prevention Plan (SWPPP) and that it is currently under review by the Chemung County Stormwater team and that comment should be expected prior to the next meeting.

Mr. DiPietro asks about the site after decommissioning and if it gets restored to its preconstruction state. The applicants respond that all features installed, including all equipment, underground cables, foundations, and driveways would be removed and the land would be restored to its natural state, but it would only include reseeded and not the replanting of trees.

Attorney Moore remarks that the plan calls for the installation of Arborvitae plantings along the property line between the site and the neighbor to the west at 226 West Hill Rd. He asks the reasoning for removing the existing trees along that border. Ms. Sullivan says that the trees are removed for shading reasons and arborvitaes are used because their maximum height is roughly 30 feet. Mr. Cunha states that due to the relatively small size of the project site, there is little room to remove panels and still make the project viable to the developer.

Attorney Moore mentions the Line-of-Sight profiles included in the packet and asks for clarification on what those mean. Mr. Cunha explains those diagrams and states that they can produce other renderings of what the site may look like if the board would like that.

Chairman Miles directs the discussion to Environmental Assessment Form Section C.4 and notes that the information listed for police and fire protection is incorrect. Mr. Crandall informs the applicants that those sections should be amended to list the New York State Police and the Chemung County Sheriff's Office as the agencies for police coverage and the Elmira City Fire Department would handle fire emergencies.

Mr. DiPietro asks what will be used to seed the disturbed area and it is said that the generally use a grass/wild flower mix approved by NYS DEC to provide a ground cover with pollinators and also restricting growth. It is estimated that the area will be mowed about twice a year.

Attorney Moore inquires about the series of seven (7) utility poles indicated on the site plan. Mr. Cunha states that those are installed in a series as a way to connect to the utility. Mr. Knapp explains that the transformers will be pad mounted in accordance with the plans and that there should only be utility infrastructure visible at the poles.

Chairman Miles asks about the access road and Ms. Sullivan states that it is a gravel road compacted to NYDOT standards and able to serve tractor trailers and fire trucks. She also says that a Knox Box will be installed at the entrance for emergency responders.

Attorney Moore asks for more information on the battery energy storage that is proposed for the site. Mr. Cunha states that it is a 4-hour energy pack which will be pad-mounted and is roughly the size of a small shipping container. The applicants ask the Planning Board consider making a determination for lead agency for a coordinated review in the SEQR process.

**MOTION** by Ron McConnell to designate the Town of Elmira as the lead agency for the State Environmental Quality Review (SEQR).

Second by Robert Knapp

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

*Nays:* None

Chairman remarks that this application is required to be reviewed by Chemung County pursuant to New York State General Municipal Law Section 239-m.

**MOTION** by Paul DiPietro to refer the Hillcrest Solar application to the Chemung County Planning Board.

Second by Mike Kohberger

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

*Nays:* None

Chairman Miles asks if there is anything further to discuss and hearing none he asks for a motion to adjourn the meeting.

The meeting ends at 8:07 pm EST