

**Town of Elmira, New York
Planning Board
Meeting – February 2, 2026
MINUTES**

PRESENT: Chairman Mark Miles

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

ABSENT: William Maloney

ALSO PRESENT: Eric Crandall, Code Enforcement Officer
Scott Moore, Town of Elmira Attorney
Patty Carozza, Recording Secretary

Chairman Miles opens the meeting at 7:00 pm and welcomes everyone.

Chairman Miles asked members if they had read the minutes from the January 5, 2026 meeting and if anyone had additions or corrections, and hearing none, a motion to approve.

MOTION by Paul DiPietro to accept the minutes as written.

Second by Nick Kapnolas

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

Nays: None

AGENDA ITEM – 386 Watercure Hill Rd

Chairman Miles states that tonight they will be discussing the Solar Project located at 386 Watercure Hill Rd. He addresses the developer, Sean Reardon, of Tetra Tech, for any updates on the project. Mr. Reardon responds by stating that they have reviewed Jimmie Joe Carl's comments from the SWPPP and are addressing them. They are very aware that they must comply with comments from SWPPP and the DEC ~ they plan to follow up with Jimmie Joe Carl. He also added that there is no plan right now to farm on the parcels, but maybe in the future. Chairman Miles asks if any board member has any other comments or concerns and hearing none, they move to Part 2 of the SEQRA where Mr. Miles reads each part of the environmental form. As he proceeds, there are a few items that will need to be addressed in Part 3. Part 3 consists of the reasoning that support the determinations that had moderate or large impacts.

After completing the SEQRA, Chairman Miles asks for a motion to make a Negative Declaration on the project.

A RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA FOR THE MINOR SUBDIVISION AND FOR THE “WATERCURE HILL WEST” AND “WATERCURE HILL EAST” TIER 3 SOLAR ENERGY SYSTEMS LOCATED AT 386 WATERCURE HILL ROAD, TOWN OF ELMIRA, NEW YORK

Resolution by: Robert Knapp

Seconded by: Nick Kapnolas

WHEREAS, CP Elmira Solar LLC, through its affiliates CP Elmira One LLC and CP Elmira Two LLC (“Applicant”), applied for:

1. **Minor Subdivision** approval to subdivide existing Parcel 80.00-1-52 into three parcels consisting of:
 - *Parcel A:* 39.6 acres (Watercure Hill West Solar Project),
 - *Parcel B:* 40.6 acres (Watercure Hill East Solar Project), and
 - *Parcel C:* 165.6-acre remainder farm parcel;
and
2. **Special Use Permit and Site Plan** approval for two individual 5.0 MW Tier 3 Solar Energy Systems (“Projects”) to be located on proposed Parcels A and B; and

WHEREAS, both Projects qualify as Tier 3 Solar Energy Systems under the Town of Elmira Solar Energy Local Law; and

WHEREAS, on November 3, 2025, the Planning Board accepted the preliminary subdivision plat for review and designated itself as Lead Agency for coordinated review under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on December 1, 2025, the Planning Board referred the subdivision and both solar project applications to the Chemung County Planning Board pursuant to General Municipal Law § 239-m; and

WHEREAS, at its regular meeting in December 18, 2025, the Chemung County Planning Board reviewed the referral and recommended the matter for local determination, finding no countywide impacts; and

WHEREAS, on January 5, 2026, public hearings were held for the Minor Subdivision and the Special Use Permit and Site Plan, and the Planning Board heard comment for and against the Projects and received and reviewed subsequent written public comment; and

WHEREAS, the Applicant submitted a Full Environmental Assessment Form (“FEAF”) Part 1 addressing the combined cumulative impacts of:

- the subdivision,
- the Watercure Hill West Solar Project,
- the Watercure Hill East Solar Project,
- associated access improvements, interconnection, grading, stormwater management, and
- agricultural district considerations; and

WHEREAS, the Planning Board has reviewed all materials submitted by the Applicant, including but not limited to: the FEAF, site plans, visual analysis, decommissioning plan, agricultural data statements, stormwater documentation, and other exhibits submitted with the subdivision and SUP/Site Plan applications; and

WHEREAS, on February 2, 2026, the Planning Board completed and reviewed FEAF Part 2, evaluating potential environmental impacts. The Planning Board identified the following FEAF Part 2 questions to have a potential “small” or “moderate to large” impact:

- #1. Impact on Land, subquestion 1(a) – moderate impact
- #1. Impact on Land, subquestion 1(b) – moderate impact
- #3 Impact on Surface Water, subquestion 3(d)- small impact
- #8 Impact on Agricultural Resources, subquestions 8(a) and 8(b)- small impact
- #18 Consistency with Community Character, subquestions 18(e) and 18(f)- moderate impact

WHEREAS, on February 2, 2026, the Planning Board completed FEAF Part 3, addressing each of the FEAF Part 2 questions identified as “small” or “moderate to large” and documenting the reasoning supporting a determination of significance; and

WHEREAS, based upon the Planning Board’s review of the entire record, including SEQRA Parts 1, 2, and 3, public comment, agency correspondence, and its own knowledge of the site and surrounding area, the Board finds that the proposed subdivision and Tier 3 Solar Energy Systems will not result in any significant adverse environmental impacts, whether individually or cumulatively;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Elmira Planning Board hereby adopts a Negative Declaration under SEQRA for the Minor Subdivision and for the Watercure Hill West and Watercure Hill East Tier 3 Solar Projects; and

BE IT FURTHER RESOLVED, that preparation of an Environmental Impact Statement is not required; and

BE IT FURTHER RESOLVED, that the Code Enforcement Officer shall file and circulate the Negative Declaration in accordance with 6 NYCRR Part 617.

CARRIED:

AYES: DiPietro, Kapnolas, Knapp, Kohberger, Miles, McConnell

NAYS: _____

ABSTAINED: _____

ADOPTED, this 2nd day of February 2026 by the Planning Board of the Town of Elmira at which a quorum was present and voting throughout, and that the same has not been amended or rescinded and remains in full force and effect.

Chairman Miles then asks for a resolution to approve the minor subdivision.

A RESOLUTION TO APPROVE THE MINOR SUBDIVISION OF PROPERTY LOCATED AT 386 WATERCURE HILL ROAD, TOWN OF ELMIRA, NEW YORK (PARCEL 80.00-1-52) TO CREATE THREE NEW PARCELS FOR THE WATERCURE HILL WEST AND WATERCURE HILL EAST SOLAR PROJECTS.

Resolution by: Mike Kohberger

Seconded by: Robert Knapp

WHEREAS, CP Elmira Solar LLC, on behalf of the landowner Scott W. Bush (“Applicant”), submitted an application dated October 17, 2025, seeking Minor Subdivision approval under Chapter 198 of the Town of Elmira Code to subdivide existing Parcel 80.00-1-52 into three parcels consisting of:

- **Parcel A** – approximately 39.6 acres, to host the “Watercure Hill West” Tier 3 Solar Energy System;
- **Parcel B** – approximately 40.6 acres, to host the “Watercure Hill East” Tier 3 Solar Energy System; and
- **Parcel C** – approximately 165.6 acres, representing the remainder farm parcel; and

WHEREAS, the parcels created through the subdivision are located wholly within the Agricultural / Rural Residential (AR) Zoning District and comply with applicable dimensional and lot requirements of the Zoning Law, including minimum lot area and frontage, as confirmed by the subdivision application and attached plans; and

WHEREAS, on November 3, 2025, the Planning Board reviewed the application, received a presentation from the Applicant’s engineer, and accepted the subdivision plan as a preliminary plat; and

WHEREAS, on December 1, 2025, the Planning Board referred the subdivision to the Chemung County Planning Board pursuant to General Municipal Law § 239-m; and

WHEREAS, at its regular meeting on December 18 2025, the Chemung County Planning Board reviewed the referral and recommended the matter for local determination, finding no countywide impacts; and

WHEREAS, on January 5, 2026, a public hearing was held for the proposed Project and the Town Planning Board heard public comment for and against the Project and received and reviewed subsequent written public comment; and

WHEREAS, the subdivision is subject to coordinated review as part of a larger action that includes the Watercure Hill West and Watercure Hill East Tier 3 Solar Energy Systems, and the Applicant submitted a Full Environmental Assessment Form (FEAF) describing the cumulative environmental impacts of the subdivision and related development; and

WHEREAS, on February 2, 2026, the Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”), adopted a Negative Declaration, concluding that the subdivision and associated Projects will not result in any significant adverse environmental impacts; and

WHEREAS, the Planning Board has reviewed the subdivision application, plans, FEAF, agricultural data statement, and other supporting documents, as well as the recommendations of the Code Enforcement Officer and the Planning Board’s consulting professionals; and

WHEREAS, the Planning Board finds that the proposed Minor Subdivision complies with the standards set forth in Chapter 198 (Subdivision Regulations) and Chapter 217 (Zoning Law), and that the subdivision layout promotes orderly development, maintains adequate access, and minimizes land disturbance by using the existing farm access drive as the basis for the proposed right-of-way; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Elmira Planning Board hereby approves the Minor Subdivision of Parcel 80.00-1-52 at 386 Watercure Hill Road to create Parcels A, B, and C as shown on the subdivision plan submitted with the application, subject to the following conditions:

1. Compliance With Subdivision Plan

The subdivision shall be developed and recorded substantially in accordance with the plan submitted with the application and dated July 11, 2025 and revised on October 16, 2025 and January 22, 2026, except as modified by this Resolution.

2. Required Right-of-Way

The Applicant shall record a deeded **right-of-way** with the Chemung County Clerk providing access to Parcels A and B from Watercure Hill Road consistent with the subdivision plan.

3. Waiver of Certain Requirements (As Requested by Applicant)

Consistent with the Applicant's written request and the Board's findings:

- a. **Stormwater Data Deferral** – Stormwater and erosion control design details for the proposed solar developments are waived at the subdivision stage and deferred to the Special Use Permit/Site Plan review.
- b. **Right-of-Way Width Reduction** – The minimum 50-foot private road right-of-way requirement is waived **only for the approximate 150-foot segment** constrained by existing farm structures, with a permanent reduction to 25 feet as depicted on the subdivision plan.

4. Agricultural Data Statement

The Applicant shall comply with Agriculture & Markets Law § 305-a notification requirements.

5. Filing Requirement

The Applicant shall file the approved subdivision plat in the Chemung County Clerk's Office within **62 days** of signature by the Planning Board Chair, or as otherwise required by Town Law § 276.

6. Deed Restrictions

- a. Use of the 2.59-acre Right-of-Way for access purposes to Parcel A and B shall be restricted to Monday through Friday within the hours of 7:00 a.m. until 7:00 p.m., unless an emergency condition exists at facilities located thereon, governmental or regulatory officials require access, or any facilities thereon otherwise require time-sensitive maintenance or repairs.
- b. Use of Parcel A and B shall be exclusively for the production of energy or ancillary uses related thereto. The 2.59-acre Right-of-Way shall not be used to access other facilities not related to energy production on Parcel A and B.

c. The fee simple owner of Parcel A and Parcel B shall, at their own cost and expense, maintain in good condition and repair the entire road and existing bridge that crosses over the Goldsmith Creek Tributary and which are within the bounds of the 2.59-acre Right-of-Way for the benefit of Parcel A, B and C, provided that the fee simple owner of Parcel C shall repair any damage to the bridge or road directly caused by said owner or it's invitees, except for normal wear and tear.

d. The use of the 2.59-acre Right-of-Way shall not be exclusive to Parcel A, Parcel B or Parcel C. The fee simple owners of Parcel A, B and C shall each retain the right to use the 2.59-acre Right-of-Way and any roadway improvements within it and to grant to others the right to use the 2.59-acre Right-of-Way for any purpose, provided however, that any such use by the fee simple owner of Parcel C or others shall not interfere with the fee simple owner of either Parcel A or Parcel B's use of the 2.59-acre right-of-way nor their use of Parcel A or B.

e. Any and all accommodations, improvements and/or related construction activity required for stormwater controls within the 2.59-acre Right-of-Way must occur on the side of the roadway improvements which is adjacent or closest to Parcel A and/or Parcel B. In no event shall any of Parcel C which is not within the 2.59-acre Right-of-Way be encumbered by any permanent stormwater improvements.

f. Any roadway to be constructed or improved within the 2.59-acre Right-of-Way shall be generally twenty (20) feet wide with a centerline along the midline of the 2.59-acre Right-of-Way and neither the 2.59-acre Right-of-Way nor the roadway may interfere with any buildings existing as of the date hereof. For the portion of the 2.59-acre Right-of-Way on the eastern side of the Goldsmith Creek Tributary, any turning area or required cul-de-sac shall not encroach more than ten (10) feet in the southerly direction measured from the centerline of the 2.59-acre Right-of-Way.

g. Restrictions (a), (b), and (c) above shall expire thirty (30) years from the date hereof. All other restrictions mentioned herein for the 2.59-acre Right-of-Way shall not expire.

7. No Development Rights

Approval of this subdivision does not constitute approval of any development on Parcels A, B, or C, and final development approvals require separate Planning Board action (including SUP and Site Plan approval for the Tier 3 Solar Energy Systems).

CARRIED:

AYES: DiPietro, Kapnolas, Knapp, Kohberger, Miles, McConnell

NAYS: _____

ABSTAINED: _____

ADOPTED, this 2nd day of February 2026 by the Planning Board of the Town of Elmira at which a quorum was present and voting throughout, and that the same has not been amended or rescinded and remains in full force and effect.

Chairman Miles then asks for a resolution to approve the final site plan and issue a special use permit.

A RESOLUTION TO APPROVE THE FINAL SITE PLAN AND ISSUE A SPECIAL USE PERMIT FOR THE TIER 3 SOLAR ENERGY SYSTEMS KNOWN AS THE “WATERCURE HILL WEST” AND “WATERCURE HILL EAST” PROJECTS LOCATED AT 386 WATERCURE HILL ROAD, TOWN OF ELMIRA, NEW YORK

Resolution by: Robert Knapp

Seconded by: Mike Kohberger

WHEREAS, CP Elmira One LLC (“CP-1”) applied for Site Plan and Special Use Permit approval for a 5.0 MW Tier 3 Solar Energy System located on proposed Parcel A (39.6 acres) of the Minor Subdivision at 386 Watercure Hill Road (tax parcel 80.00-1-52) (“Watercure Hill West”) pursuant to the Town of Elmira Solar Energy Local Law and Chapter 217 of the Town Code; and

WHEREAS, CP Elmira Two LLC (“CP-2”) applied for Site Plan and Special Use Permit approval for a 5.0 MW Tier 3 Solar Energy System (“Project”) located on proposed Parcel B (40.6 acres) of the Minor Subdivision at 386 Watercure Hill Road (tax parcel 80.00-1-52) (“Watercure Hill East”) pursuant to the Town of Elmira Solar Energy Local Law and Chapter 217 of the Town Code (Watercure Hill West and Watercure Hill East, collectively, the (Projects”); and

WHEREAS, the Projects are a permitted use within the Agricultural/Rural Residential (AR) Zoning District subject to Site Plan approval and issuance of a Special Use Permit by the Planning Board; and WHEREAS, the Planning Board, at its meeting on November 3, 2025, designated itself as Lead Agency under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board, at its meeting on December 1, 2025, reviewed additional information provided by Applicant, received a commitment from the Applicant to increase the vehicle access drive from the public roadway, through the solar Project, to 20-feet and install a hammerhead at the end of the access drive for emergency vehicle turning movement; and

WHEREAS, at its December 1, 2025 meeting, the Planning Board discussed the proposed access improvements for the Project with the Fire Department Chief and at the same meeting the Fire Department Chief noted his satisfaction with the proposed access and approved the same; and

WHEREAS, the application was referred to the Chemung County Planning Board, which at its December 18, 2025 meeting recommended the matter for local determination; and

WHEREAS, on January 5, 2026, a public hearing was held for the proposed Project and the Town Planning Board heard public comment for and against the Project and received and reviewed subsequent written public comment; and

WHEREAS, the Chemung County Stormwater Coalition reviewed the Projects and provided comments to the Planning Board on January 20, 2026, which shall be addressed by the applicant as a condition of approval; and

WHEREAS, on February 2, 2026, the Town Planning Board reviewed and completed Part 2 and Part 3 of the Full Environmental Assessment Form (“FEAF”) and declared that the proposed Type I action will not have a significant adverse effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a SEQRA Negative Declaration for the subdivision and the West and East Projects; and

WHEREAS, on February 2, 2026, the Town Planning Board approved the Minor Subdivision of Parcel 80.00-1-52 at 386 Watercure Hill Road to create Parcels A, B, and C as shown on the subdivision plan submitted with the application; and

WHEREAS, the Planning Board considered testimony and submissions regarding the Project, including:

- the FEAF
- subdivision plans
- site plans and engineering reports
- stormwater documentation (SWPPP)
- access design and emergency access improvements
- visual analysis
- agricultural data statements
- the decommissioning plan and estimate
- feedback from the local Fire Department
- comments from the Chemung County Stormwater Coalition; and

WHEREAS, based upon the entire record, the Planning Board finds that the Applicant has satisfied the Site Plan and Special Use Permit requirements of the Town Code, including but not limited to:

1. **Visual Assessment** — The Applicant submitted visual simulations showing limited visibility given the setback of more than 500 feet from Watercure Hill Road and the existing topography.
2. **Tree Clearing and Land Cover** — The Project is primarily located on farmland, minimizing clearing; areas requiring clearing will be replanted with native ground cover beneficial to pollinators.
3. **Stormwater Management** — The Applicant has submitted a SWPPP and shall comply with all conditions required by the Chemung County Stormwater Coalition Engineer.
4. **Access and Emergency Services** — The Applicant proposes to modify the existing internal access drive to 20 feet in width and to add new access along the proposed project fence and new hammerhead turnarounds as shown on the project plans, and the East Hill Fire Department has confirmed adequate access around the project perimeter.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the Final Site Plan and Special Use Permit for the Watercure Hill West Tier 3 Solar Project on proposed Parcel A of tax parcel 80.00-1-52, subject to the following conditions:

1. Compliance With Submitted Plans

The Applicant shall construct the Project substantially consistent with the Site Plan, SUP application, and all materials submitted, and shall submit as-built drawings following completion of construction.

2. Prohibition on Pesticides and Herbicides

No pesticides or herbicides shall be used on the Property.

3. Stormwater Requirements

The Applicant shall satisfy all Chemung County Stormwater Coalition requirements prior to the issuance of a building permit.

4. Emergency Access

The Applicant shall maintain the 20-foot access drive and hammerhead turnaround and ensure continued access for emergency vehicles.

5. Operation and Maintenance Plan

The Applicant shall comply with the written O&M Plan submitted with the application.

6. Additional Improvements

No additional site improvements, signage, or uses shall occur without Planning Board approval and updated Site Plan review.

7. Decommissioning

Prior to issuance of a building permit, the Applicant shall provide financial security for the decommissioning of the Project, renewed every five years, in accordance with the Town Code and that all subsequent owner operators shall continue to be bound by the requirements of the Code and supply decommissioning security.

8. Host Agreement

Prior to the issuance of a building permit, the Applicant shall enter into a HOST Community Benefit Agreement with the Town of Elmira as approved by the Town Board after review by the Town Attorney.

CARRIED:

AYES: DiPietro, Kapnolas, Knapp, Kohberger, Miles, McConnell

NAYS: _____

ABSTAINED: _____

ADOPTED, this 2nd day of February 2026 by the Planning Board of the Town of Elmira at which a quorum was present and voting throughout, and that the same has not been amended or rescinded and remains in full force and effect.

Chairman Miles thanks the developers for coming and wishes them well on the project.

A discussion then took place regarding the last Zoning Board Meeting. Previous zoning and planning decisions used the “lot width” language in the Code to be synonymous “road frontage”, even though road frontage is not defined in the Code. They had a discussion that a developer should be able to read the code and know exactly what is expected. The current code language does not make it clear for a developer. The zoning board made an interpretation in regards to this topic and wanted the planning board to understand it. Scott Moore provides an explanation regarding the minimum lot width requirement.

Chairman Miles then addresses the board regarding the upcoming trainings for the planning board. Southern Tier Planning has released the trainings and the board will be notified.

Chairman Miles then asks if there is a motion to adjourn.

MOTION by Nick Kapnolas to adjourn the meeting.

Seconded by Paul DiPietro

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

Nays: None

Meeting ends at 7:40 pm

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