



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Meeting Minutes

Monday, January 6, 2025

7:00 pm

Board Members Present: Jackie French
John Hastings
Liv Lovejoy, Alternate
Penny Page
Chris Parsons
Trish Peterson, Chairperson
Rick Petzke

Board Members Absent: Tracy Warner, Vice Chairperson

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Megan Dorritie, Town Attorney

Chairperson Peterson called the meeting to order at or about 7:00 pm. She asked if the Board Members had any comments, questions, concerns, or corrections about the November 4, 2024 meeting minutes. Hearing no comments, Board Member Lovejoy made a motion to accept the minutes of November 4, 2024 as presented; Board Member French seconded the motion. All were in favor. The Board accepted the minutes as presented.

AYES: French, Hastings, Lovejoy, Page, Parsons, Peterson, Petzke

ABSENT: Warner

NOES: None

MOTION CARRIED.

Next on the agenda was to set the Planning Board meeting schedule for the year 2025. All meetings will be held on the first Monday of each month except for the September 2025 meeting which will be held on Tuesday, September 2, 2025. The deadline for site plan and special use permit applications will continue to be the third Wednesday of each month.

Next on the agenda was appointment of Chairperson, Vice Chairperson, and Secretary to the Planning Board.

Board Member French nominated Trish Peterson for Chairperson of the Board for the year 2025; Board Member Page seconded the motion. All were in favor.

AYES: French, Hastings, Lovejoy, Page, Parsons, Peterson, Petzke
ABSENT: Warner
NOES: None
MOTION CARRIED.

Board Member French nominated Tracy Warner for Vice Chairperson of the Board for the year 2025; Board Member Page seconded the motion. All were in favor.

AYES: French, Hastings, Lovejoy, Page, Parsons, Peterson, Petzke
ABSENT: Warner
NOES: None
MOTION CARRIED.

Board Member French nominated Michelle Murray for Secretary to the Board for the year 2025; Board Member Page seconded the motion. All were in favor.

AYES: French, Hastings, Lovejoy, Page, Parsons, Peterson, Petzke
ABSENT: Warner
NOES: None
MOTION CARRIED.

Continued

Public Hearing - Site Plan application of NY Southport I, LLC for the development of a Community Solar Farm facility located at 1309 Maple Avenue, Elmira, New York tax map #100.00-1-1.21 zoned Agricultural Residential

Matt Mihaly, Delaware River Solar Project Developer, along with Kelly Sullivan, LaBella Associates, the developer's engineering partner on the project, discussed updates to the solar project.

The Phase 1 Archaeological Survey was conducted in November and a no impact letter from the State Historic Preservation Office (SHPO) was submitted for SEQR in December 2024.

They are still working with the Chemung County Stormwater Coalition Engineer regarding the SWPPP.

They are working on NYSDEC updated regulations and they will abide by their regulations.

Mr. Mihaly stated that the parcels have been merged with the Town Assessor tax map number is 100.00-1-1.21.

Chairperson Peterson opened the public hearing for comments.

No one wished to be heard. The public hearing was closed and turned over to the Planning Board at 7:26 p.m.

The Board reviewed the SEQR Full Environmental Assessment Form Part 2 and Part 3.

Resolution No. 001-2025 PB

**TOWN OF SOUTHPORT
PLANNING BOARD
STATE ENVIRONMENTAL QUALITY REVIEW ACT
RESOLUTION OF DETERMINATION
REGARDING NY SOUTHPORT I, LLC**

At the meeting of the Town of Southport Planning Board held on January 6, 2025, at 7:00 p.m. at the Southport Town Hall, 1139 Pennsylvania Avenue in the Town of Southport, Member Peterson moved adoption of the following resolution; Member French seconded the motion; and the resolution was passed.

WHEREAS, the Town of Southport Planning Board (“Planning Board”), is considering a Special Use Permit application made by NY Southport I, LLC (“Applicant”), for construction of a 2.80 MW AC solar array, which would occupy +/- 14.6 acres of the overall property which measures +/- 64.2 acres, and is identified as tax ID 100.01-1-1.21, with a proposed access via porous gravel drive at 1309 Maple Ave, Town of Southport, Chemung County, NY 14904, and as described in the Maple Ave Solar FEAF Part 1 dated August 19, 2024, proposed Site Plans dated October 2024, and all other information submitted by the Applicant (the “Project”); and

WHEREAS, the Planning Board is obligated under the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations to review the Project for potential environmental impacts as part of its consideration of the Special Use Permit application; and

WHEREAS, the Planning Board is the appropriate agency to act as lead agency for SEQRA review purposes; and

WHEREAS, on or about September 3, 2024, the Planning Board preliminarily classified the Project as a Type I Action under SEQRA; and

WHEREAS, on or about September 3, 2024, the Planning Board issued its Notice of Intent to Be Lead Agency for the Project to all potential involved and interested agencies; and

WHEREAS, the Planning Board received no objections to its Notice of Intent to Be Lead Agency; and

WHEREAS, on or about September 3, 2024, the Planning Board referred the Application to the Chemung County Planning Board pursuant to New York State General Municipal Law § 239-m; and

WHEREAS, upon this referral, the Chemung County Planning Board found that the Project would have no significant County-wide impact and that local determination is appropriate; and

WHEREAS, for its review of the Project, the Planning Board considered, among other things: the Application dated August 19, 2024, with all attachments; FEAF Part 1 dated August 19, 2024; preliminary site plans; lease agreement; project summary; operations and maintenance plan; decommissioning plan; three line diagram; equipment specifications sheet; line of site profile plan; the Comment letter from the Town’s engineers dated September 26, 2024 (“Comment Letter”); the Applicant’s response to the Comment Letter dated October 28, 2024, with attachments; revised Comment Letter dated November 15, 2024; final site plans dated October 2024; comments from the Chemung County Planning Board dated September 30, 2024; comments from the New York State Department of Environmental Conservation dated September 26, 2024; Phase 1 Archaeological Survey dated November 27, 2024; No Impact Letter from the Office of New York State parks, Recreation, and Historic Preservation dated December 3, 2024; and all public comment received.

WHEREAS, the Planning Board held duly noticed public hearings regarding the Application on October 7, 2024 and November 4, 2024.

NOW THEREFORE BE IT RESOLVED, that the Planning Board, pursuant to SEQRA, the Application, including supplemental submissions, input from involved/interested agencies, and considering public comment, hereby makes the following findings:

- (1) The Project is confirmed to be a Type I Action; and
- (2) the Project will result in no significant adverse environmental impacts as detailed in the FEAF Part 2 prepared herewith and incorporated herein. More specifically:

FEAF, Part 2, No. 1: Impacts on Land – Although the Project involves construction that physically alters the land, the design minimizes any impacts greatly by utilizing existing features like access drives, maintaining existing drainage patterns, limiting soil disturbance, and minimizing grading, while using foundations systems that have minimal impacts.

FEAF, Part 2, No. 9: Impacts on Aesthetic Resources - There are no inventoried structures within the area of potential effect (APE). Two inventoried structural resources lie within 400 m (0.25 mi) of the APE (Table 3) that are determined NR *eligible*. One of these is a school and the other is a cemetery. Neither will have direct unobstructed line of sight to the APE. There are hundreds of additional inventoried structure resources within 1.6 km (1 mi) of the APE.

FEAF, Part 2, No. 10: Impacts on Archeological Resources - Based on Phase 1 Archaeological Survey of 1309 Maple Avenue Solar Project 24PF09013 prepared by Timothy J. Abel, PhD dated Nov 27, 2024, there appear to be no

archaeological resources within the APE that are eligible for or listed on the National Register of Historic Places. No further investigation seems necessary for this undertaking. OPRHP reviewed the Application and issued a No Impact Letter dated December 3, 2024.

FEAF, Part 2, No. 11: Impacts on Open Space and Recreation – Although there could be potential general impacts on open space and recreation as a result of the Project, the Project will be constructed entirely on private property and there are no publicly accessible open or recreation areas within 5 miles of the Project site.

AND BE IT FURTHER RESOLVED, that the Planning Board hereby finds and determines that because the Project will result in no significant impacts: (a) the action is not one which “may include the potential for at least one significant adverse environmental impact:” (b) “there will be no significant adverse environmental impacts:” and (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.

AND BE IT FURTHER RESOLVED, that the Planning Board Chairwoman is authorized to execute a Negative Declaration, Part 3 of the FEAF, and all other documents necessary to effectuate the findings of the Planning Board.

AND BE IT FURTHER RESOLVED, that a copy of this resolution, together with notice of negative declaration, shall be placed on file in the office of the Town of Southport Clerk where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

AND BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

AYES: French, Lovejoy, Page, Parsons, Peterson, Petzke
ABSENT: Warner
ABSTAIN: Hastings
NOES: None
MOTION CARRIED.

RESOLUTION NO. 002-2025 PB

**TOWN OF SOUTHPORT
PLANNING BOARD
SPECIAL USE PERMIT APPLICATION DETERMINATION
REGARDING NY SOUTHPORT I, LLC**

At the meeting of the Town of Southport Planning Board held on January 6, 2025, at 7:00 p.m. at the Southport Town Hall, 1139 Pennsylvania Avenue in the Town of Southport, Member

Peterson moved adoption of the following resolution; Member Lovejoy seconded the motion; and the resolution was passed.

WHEREAS, the Town of Southport Planning Board (“Planning Board”), is considering a Special Use Permit application made by NY Southport I, LLC (“Applicant”), for construction of a 2.80 MW AC solar array, which would occupy +/- 14.6 acres of the overall property which measures +/- 64.2 acres, and is identified as tax ID 100.01-1-1.21, with a proposed access via porous gravel drive at 1309 Maple Ave, Town of Southport, Chemung County, NY 14904, and as described in the Maple Ave Solar FEAF Part 1 dated August 19, 2024, proposed Site Plans dated October 2024, and all other information submitted by the Applicant (the “Project”); and

WHEREAS, on or about September 3, 2024, the Planning Board preliminarily classified the Project as a Type I Action under SEQRA and a Tier 3 Solar Energy System under Southport Town Code § 442; and

WHEREAS, on or about September 3, 2024, the Planning Board issued its Notice of Intent to Be Lead Agency for the Project to all potential involved and interested agencies; and

WHEREAS, the Planning Board received no objections to its Notice of Intent to Be Lead Agency; and

WHEREAS, on or about September 3, 2024, the Planning Board referred the Application to the Chemung County Planning Board pursuant to New York State General Municipal Law § 239-m; and

WHEREAS, upon this referral, the Chemung County Planning Board found that the Project would have no significant County-wide impact and that local determination is appropriate; and

WHEREAS, for its review of the Project, the Planning Board considered, among other things: the Application dated August 19, 2024, with all attachments; FEAF Part 1 dated August 19, 2024; preliminary site plans; lease agreement; project summary; operations and maintenance plan; decommissioning plan; three line diagram; equipment specifications sheet; line of site profile plan; the Comment letter from the Town’s engineers dated September 26, 2024 (“Comment Letter”); the Applicant’s response to the Comment Letter dated October 28, 2024, with attachments; revised Comment Letter dated November 15, 2024; final site plans dated October 2024; comments from the Chemung County Planning Board dated September 30, 2024; comments from the New York State Department of Environmental Conservation dated September 26, 2024; Phase 1 Archaeological Survey dated November 27, 2024; No Impact Letter from the Office of New York State parks, Recreation, and Historic Preservation dated December 3, 2024; and all public comment received; and

WHEREAS, the Planning Board held duly noticed public hearings regarding the Application on October 7, 2024 and November 4, 2024; and

WHEREAS, by Resolution No. 001 of 2025, the Planning Board issued a Negative Declaration after finding that the Project is not one which may include the potential for at least one significant adverse environmental impact.

NOW THEREFORE BE IT RESOLVED, that the Planning Board confirms that the Project is a Tier 3 Solar Energy System under Southport Town Code § 442.

AND BE IT FURTHER RESOLVED, that the Project satisfies the requirements of Southport Town Code § 442.

AND BE IT FURTHER RESOLVED, that no additional/separate site plan approval is needed and a Special Use Permit shall be issued to the Applicant for the Project for construction of the solar energy system described in the Application.

AND BE IT FURTHER RESOLVED, that the findings in this Resolution and the Special Use Permit are conditioned on the following:

1. No battery storage is allowed on the Project site;
2. The Project's Stormwater Pollution Prevention Plan is approved by the Chemung County Soil and Water Conservation District;
3. The Project will conform to all New York State Building Code requirements;
4. Applicant obtains all necessary permits for construction of the Project, including but not limited to building permits and NYSDOT Commercial Highway Work Permit (for driveway entrance and utility work); and
5. All the requirements of the Decommissioning Plan dated October 24, 2024 will be met.

AND BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

AYES: French, Lovejoy, Page, Parsons, Peterson, Petzke

ABSENT: Warner

ABSTAIN: Hastings

NOES: None

MOTION CARRIED.

Review Site Plan of Sandra Holmes to operate a pet grooming salon located at 1132 Broadway, Elmira, New York, tax map #109.10-1-2, zoned Commercial Regional. Ms. Holmes was not present for the meeting. The Planning Board tabled the review until the February 2025 meeting.

Next was the referral from Town Board to review proposed Local Law No. 1 of 2025, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport.

Attorney Dorritie gave a summary of the Town Board's referral. It is part of a larger review of the Comprehensive Plan. The current solar application does not have battery storage. The Solar Moratorium should include an exception to the current project that has a Special Use Permit (SUP) as of this date. Approving of the proposed moratorium as long as it contains the exception for any projects that currently have a SUP.

The Town of Southport Planning Board has reviewed proposed Local Law No. 1 of 2025, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport (the “Proposed Moratorium”). The Planning Board has only one comment on the Proposed Moratorium.

In August 2024, the Planning Board received an application from Southport 1 NY, LLC for a Special Use Permit to construct 2.8 MW solar facility on Maple Ave. (the “Project”). The Project does not include battery storage.

For five months, the Applicant and the Planning Board have worked to develop the application record, and as of this evening’s meeting, the Planning Board has determined that the application satisfies all the requirements of the Town’s current solar law and is entitled to a Special Use Permit.

It is our understanding that the Proposed Moratorium is part of a larger effort by the Town Board to revise the Town’s Comprehensive Plan and does not represent specific concerns about the Project. Given the work done by the Planning Board and the applicant over the last several months, the Project’s complete compliance with the current solar law, and the lack of battery storage at the Project, the Planning Board recommends that the Town Board add an exception to the Proposed Moratorium that would allow the Project to proceed.

Some exception language for the Town Board’s consideration:

Section 5. Exception. [later sections to be renumbered]

Notwithstanding any provision hereof to the contrary, any person or entity that has been granted a Special Use Permit by the Town of Southport Planning Board for construction of a solar facility prior to the effective date of this Local Law may continue such project and related activities while this Moratorium is in effect so long as all construction and supporting activities are conducted in accordance with all applicable laws and any conditions of the Special Use Permit.

Board Member French made a motion that the Planning Board recommends that the Town Board add an exception to the proposed Moratorium; Board Member Page seconded the motion. No discussion on the motion. All were in favor.

AYES: French, Hastings, Lovejoy, Page, Parsons, Peterson, Petzke
ABSENT: Warner
NOES: None
MOTION CARRIED.

No other business to come before the Board. Board Member Page made a motion to adjourn the meeting; Board Member Lovejoy seconded the motion. All were in favor. The meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney

DRAFT