

**TOWN OF POMPEY PLANNING BOARD MINUTES**  
**August 17, 2015**

The Town of Pompey Planning Board meeting was held on Monday, August 17, 2015  
In attendance: Chairman Sue Smith; Members: Roy Smith, Bob Neufang, Kevin Coursen,  
and Dan Bargabos. Attorney Jeff Brown, Code Enforcement Officer Richard Penhall.

Chairman Smith called the meeting to order at 7 pm. followed by the Pledge of  
Allegiance. She thanked John Shaheen for running last month's meeting.

Motion by B. Neufang, seconded by K. Coursen to approve the July 2015 minutes.  
Unanimous.

**DOBROVECH FAMILY SUBDIVISION:** Public hearing for a 2 lot subdivision on  
the west side of Bush Road. David Dobrovech was present as spokesperson for his Mom.  
They will be selling her house (is on the market) with two acres, additional two lots will  
be kept in the family.

Lot C is 22 acres and will be a separate parcel and deeded in the future to a brother.  
Lot A, his lot, will be absorbed onto his property. The well is shown on the new map and  
also driveway is on new map. Federal wetlands on his current property (just a little  
pond). There will be no curb cut on Lot A, it is a paved driveway.

Lot C has existing driveway which has been used as farm access, but no will be a  
driveway for Lot C.

All neighbors have been notified and cards turned into the Town.

Engineer Steve Snell stated that the wetlands are small, lots are large and there would be  
no impact.

Chairman Smith then read over the Part 2 of the Short Environmental Assessment Form,  
and read the questions.

Attorney Jeff Brown stated there were a couple of issues with Part 1. Questions 3a and  
3c should be changed to 82+- acres and Question 13a should be yes.

Motion by S. Smith, seconded by K. Coursen for a negative declaration on the  
Dobrovech Family Subdivision. Unanimous.

Motion by S. Smith, seconded by B. Neufang to open the public hearing. Unanimous.

Motion by K. Coursen, seconded by R. Smith to close the public hearing. Unanimous.

Motion by K. Coursen, seconded by D. Bargabos to approve the Dobrovech Family  
Subdivision as presented to the Board based on a map by Land Lines Surveying, dated  
7/31/15. Unanimous.

**SPRINGSIDE FARMS:** Site Plan Approval – 1850 Rt. 91. Ed & Pauli Drexler were present.

Ed Drexler stated that he has tried to take care of issues regarding the farm. He gave the Board a copy of letter dated August 17, 2015 from Lou A. Rathbun, CPA in regard to their farm income over 90% of the total income reported. He also gave the Board a copy of the Revocable License Agreement dated August 17, 2015. It is a signed agreement between Ed & Pauline Drexler and Jon M. Harshbarger and Laura H. Harshbarger to use their property as a parking lot in connection with the Christmas tree business, pumpkin business and wedding reception business conducted on property immediately adjacent to the premises.

He has measured the driveways, each are 24 feet, enough room for ingress and egress at each one. He has called State DOT regarding the sign that is on their property. He has made arrangements to move the sign – 33 feet from the center line. He is just waiting for them to get back to him.

The date of the survey map is June 20, 2015.

Attorney Jeff Brown stated that it is important to nail down the intent of use of property in the agreement. What's approved, you can do. If you expand, then you would need to come back to the Board.

Kevin Coursen stated that what we are asking for is to be specific. In agreement it just lists Christmas trees, pumpkins and weddings.

Ed said that group event should cover it. He has done everything that the Board has asked him to do.

Attorney Brown stated that the limit is in size of group.

Ed stated that the septic system has been expanded and the seating capacity for weddings, etc. would be 150.

Attorney Brown asked if group events would be maximum of 150?

Ed didn't know how to label. Pumpkin event could have 1,000 there.

Attorney Brown stated he is referring to events at the building. The pumpkin event would be grandfathered in.

Ed then stated 200. He can't see it going over that for any group event. Will be concentrating on country type events. The State doesn't support on liability issue. They are trying to educate the public on where their food comes from, find out where trees come from, about pumpkins growing. He has insurance of \$3,000 in the fall for pumpkins.

Pauli stated the Board keeps giving them more hoops to go through.

Kevin Coursen stated the county has made some comments in an article where agri tourism has been abused. We need to make sure it stays on agri business side. To do our job, need to take information into consideration – noise, parking, etc. In order to make a decision, we need the info. Need to see what the consequences are. He serves on a number of Boards and carries insurance. You can get sued. We support Agri Business. We are asking specific questions. Think responses should be to answer the questions.

Chairman Smith asked if there is an intent to use tents instead of the building?

Pauli answered not that they can foresee.

Chairman Smith then asked if within that space, if there is music, are doors and windows open?

Ed stated that the cutoff time is 11:00 pm. It would depend on the weather if the doors and windows were open.

Chairman Smith then stated that end of event would be 10:30 pm. If building has seating capacity of 300, septic capacity for 150.

Ed stated that there are porta johns on site in the fall.

Chairman Smith then stated that the Board wants to make sure that what is presented is what is being done. We have had problems in the past. Need an answer – what is intent?

Pauli said the intent is to provide a country setting for weddings, corn maze, pumpkins. We can't do weddings in the fall, only May, June, July and August.

Ed feels that when people leave they have an idea of getting their Christmas tree there. They keep coming back after finding out what is provided there.

Chairman Smith stated that the bulk of what you earn need to be agri-tourism.

Pauli stated that 90% of earnings is farm related. 12-16 potential week-ends wouldn't even come close to what the pumpkins, corn maze and Christmas tree business does.

Kevin Coursen then asked if they are limiting it to week-ends?

Ed stated not necessarily.

Attorney Brown stated that if you have a large group. 200 people all leaving at once, you would need someone to watch traffic.

Ed stated that everyone does not leave at the same time.

Attorney Brown then asked if there would be any new signage? Is current sign satisfactory?

Ed stated that the current sign is satisfactory and will be moved.

Dan Bargabos then asked what about the noise and lighting issue.

Engineer Steve Snell stated that it is all existing lights.

Ed then stated that there is one light being installed on the front of the building. We are just trying to promote Pompey. Bring commerce to the area.

Dan Bargabos stated that the Board is not trying to stop you, just need the information.

Ed would invite everyone to come and check everything out.

Attorney Brown asked if there would be any overnight accommodations?

Ed – No. There is space on the hill, but no intentions.

Engineer Snell stated there are 175 spaces. In one area or overflow?

Ed stated he has tried to control the parking.

Engineer Snell stated that we need to see the parking spots on the site plan.

Roy Smith stated that he is familiar with one that was approved. Kellish is doing a lot more than what was approved.

Kevin Coursen said that they built an outdoor pavilion.

Chairman Smith stated that the site plan is to protect you and the town. Need to be protected.

If something changes, come back and tell us. Have heard about some being approved and then doing more than what was approved. Business meeting tents are okay. Having tents with music would be bad.

Ed stated that as time goes by will need to address issues. Do want to keep the neighbors happy.

Chairman Smith stated we need to come back around to access. Are we fine with the lease agreement?

Attorney Brown stated that the tree business, pumpkins and weddings needs to be tweaked a little. Wedding receptions or other functions up to 200 people. Event business limited to 200 people. Pumpkin business is not an issue.

Kevin Coursen stated that it needs to be rated for fire capacity. It could be worded that it would be in the barn in summer months and during pumpkin selling time, event would be in tent.

Ed stated that the septic system could be doubled, if needed.

Chairman Smith stated there would be no parking ever on Rt. 91.

Motion by R. Smith, seconded by B. Neufang to open the public hearing for Drexler Site Plan on Rt. 91. Unanimous.

Motion by S. Smith, seconded by K. Coursen to close the public hearing. Unanimous.

Code Enforcement Officer Rick Penhall stated that he has been to the site and has walked part of the property.

Chairman Smith stated that as far as the driveway goes, each is 24 feet in width. Major or minor? Minor covers up to 150 cars.

Code Enforcement Office Rick Penhall stated that State DOT requirement of this Board is to check on driveways. State may want to review. It is at the whim of the State. The State would like to know what the Board decides.

Also, the State will refer to the local Fire Department (Pompey).

Ed stated that there are no culverts. It could be made wider.

Attorney Brown wants it made conditional upon State DOT approval.

Chairman Smith wants a locator map on the Drexler map.

We need to review revised form (new 10/14). It is a little longer. We will go through it tonight and have the applicant sign it.

Motion by S. Smith, seconded by K. Coursen for a negative declaration on the Springside Farm Site Plan. Unanimous.

Motion by K. Coursen, seconded by D. Bargabos to approve the Site Plan for Springside Farm on Rt. 91, based on a map by David Vredenburg dated 6/2015, map #L-100 with the following conditions:

1. Event Capacity: applicant shall limit use of event space to a maximum of 200 people or the applicable fire code limit, whichever is smaller, at any one time.
2. Event Space: event space consists of existing barn on site during all times of year except pumpkin season, during which time event space can include one or more tents.
3. Hours of operation: for all events music must stop no later than 10:30 pm and events must end by 11 pm.
4. Overnight Accommodations: no overnight accommodations are allowed.
5. Signage: no new signage will be added; existing 4x4 sign will be moved outside of Rt. 91 right of way.
6. Parking: no parking is allowed on Rt. 91 at any time.
7. Lights: only one new light will be added to the site on northeast corner of gift shop illuminating the walkway; lights will not be directed towards Rt. 91.
8. Noise: applicant agrees to address noise issues if Town receives complaints.
9. License Agreement: applicant will submit amended license agreement to use neighbor's land to allow events beyond weddings and including capacity limitations.
10. Ingress/Egress: applicant will submit proof of NYSDOT approval of ingress/egress to event facility.

Board approved unanimously.

Motion by D. Bargabos, seconded by K. Coursen to adjourn at 9:15 pm.

Respectfully Submitted,

Darla M. Mawson, Secretary  
Town of Pompey Planning Board