

TOWN OF POMPEY PLANNING BOARD MINUTES
March 17, 2014

The Town of Pompey Planning Board meeting was held on Monday, March 17, 2014 at 7:00 p.m. In attendance were: Chairman Sue Smith, John Shaheen, Robert Neufang, Dan Bargabos, Carl Fahrenkrug. Town Attorney Jeff Brown, Town Engineer Steve Snell and Code Enforcement Officer Rick Penhall were also in attendance.

Chairman Smith called the meeting to order. The Planning Board designated meeting date is the third Monday of the month at 7:00 p.m. Onondaga County Symposium, Certificate of Attendance must be signed and turned into Anne Christmas.

Chairman Smith stated a couple of corrections to the February 25th meeting. On page 2 (bottom) - number of lots should read - "that is it after 27". Top of page 3, should read "#2, not #3" and in middle of page, public hearing opened and closed should state "There were no public comments". Middle of page 4 should read "final approval for 278". Motion by Shaheen, seconded by Fahrenkrug to approve as corrected the February 25th meeting minutes. All in favor. Motion by Fahrenkrug, seconded by Neufang to dispense reading the February 25, 2014 minutes and to approve as presented. All in favor.

RESUBDIVISION OF LOT 2B OF THE JOHN HAMEL FARM SUBDIVISION-EAST AMENDMENT #3: A two lot subdivision on the east side of Sweet Road between Gates Road and Burke Road. Phillip Miller, attorney representing applicant. Applicant wants to divide Lot 2B which is 32.85 acres into 2B-1 (12.85+ acres) and 2B-2 (20.00+ acres). Rochelle K. Hamel is the owner. Originally subdivided in 4/04, map by R J Lighton dated 1/8/04, filed 4/24/04 with the County Clerk. Lot 2B is residential vacant land Lot 2B-2 is 20+ acres with 360.98 ft. frontage, pond, trails and woods. Intent is to sell 2B-1, 12.85+ acres with 200 ft. frontage.

There is an existing dirt lane on Lot 2B-2. For Lot 2B-1 we are waiting for County DOT approval (waiting for snow to melt).

Certified mail has been sent to neighbors within 1,000 feet. Map has been revised to show contour lines.

Engineer Steve Snell - requested to show existing topo. Has been done. Land disturbance, less than one acre disturbance on one lot. Sewage disposal needs to be approved by County Health Department.

Chairman Smith - any representatives from the ECC Board? No.

Rick Penhall - had dropped off all prints at Frank Erwin's home. He has been out of town. Don't believe they met.

Attorney Jeff Brown - ECC is allowed 30 days to take action. Need to call them and find out if they are going to take action.

Chairman Smith - any comments from the Board? No

We will do the SEQR determination. "Disturbed" will be changed to "0".

Completed by applicant 2/13/14,

Answers to questions as follows:

- | | | | |
|-------|--------|----------------|-------|
| 1. No | 2. No | 3. No | 4. No |
| 5. No | 6. No | 7. a. No b. No | 8. No |
| 9. No | 10. No | 11. No | |

Any comments on environmental issues? No

Motion to approve made by S. Smith, seconded by Shaheen negative declaration on the Hamel Subdivision. All in favor.

Motion by S. Smith to open the public hearing. Seconded by Shaheen. All in favor. No public comments. Motion to close public hearing made by Fahrenkrug, seconded by Neufang. All in favor.

Chairman Smith - map has been updated to show contours. We have no comments from the ECC. Proposed driveway on lot 2B-1 not yet approved by County DOT. Waiting for the snow to melt. Board can approve contingent on the two matters. Any comments from the Board? No

Motion by Shaheen, seconded by S. Smith to approve the Hamel Subdivision based on a map by D. W. Hannig dated 3/28/2000, revised 2/7/14 and 2/26/14 contingent on ECC approval and County DOT approval for proposed driveway for Lot 2-B1. All in favor.

Attorney Miller - Once DOT has approved, have ECC approval, then bring back to Town Hall for Chairperson to sign?

Chairman Smith - yes.

DREXLER SUBDIVISION: Public Hearing on 4 lob subdivision on the west side of Ridge Road north of the Fabius/Pompey town line containing approximately 30.07 acres of land. Ed Drexler was present.

Ed Drexler stated that there is nothing new to add. Same as nine years ago.

Chairman Smith - it is not the same. Now it is a four lot subdivision, not a five lot.

Ed Drexler - not asking for any changes. Just did not file map with the county.

Chairman Smith - early 2005 was subdivided a 5 lot subdivision. The five lot was never filed with the county. 1/2008 was subdivided into 2 lots, west of 5 lots approved. Lot #2 a house was built on. Now we are looking at 4 lots. Start over. Three are in conformance with town codes. Lot 4A has ample acreage, but not 200 feet of frontage.

Ed Drexler - was approved with less frontage previously.

Attorney Brown - Section 278 involves cluster development. Allows Town Board to let Planning Board approve a particular development that does not meet all the requirements. Read 278 requirements. Concept benefit to having open space on a particular lot. 278 the Planning Board passes to the Town Board. Town Board acts on it and sends back to Planning Board.

Dan Bargabos - 278 approval - applicant would need to show density.

Ed Drexler - 3 lots are okay, other lot has 20 acres, so much extra acreage, can do with less frontage.

Attorney Brown - key is lot size. What is definition minimum lot size and density (number of acres) and conforming to all other applicable requirements.

Carl Fahrenkrug - definition of lot size - would be enough for four lots.

Chairman Smith - if all four lots had 200 feet road frontage, in lie of frontage, add more acreage.

Attorney Brown - Town Board has option of granting Planning Board 278 authority. Board motions to make request to Town Board.

Motion by Shaheen, seconded by Fahrenkrug to refer the Drexler Subdivision, four lots, to Town Board for review for potential of Planning Board granting 278. Motion withdrawn.

May be looking at three lot subdivision. Not an extensive request. Low impact, bottom line - go to Town Board or ZBA. Figure out the best way. Applicant must decide.

Chairman Smith - we can't approve lot that doesn't conform to Town regulations.

Ed Drexler - need to get the three lots through as soon as possible.

John Shaheen - could put Lot #4A into what is now Lot #2.

Attorney Brown - might be the quickest way. Will need to work on application. Now three options. Be in a position to move forward.

Chairman Smith - ECC has information, has not met. Has been sent to SOCPA. Have you applied for any driveway permits?

Ed Drexler - No.

Engineer Steve Snell - site disturbance - more than one acre, have to take action. Subdivision of this size, identify amount of disturbance, show storm water impact. Look at four lots as one project, disturb less than one acre, don't need to do anything. Other applicants have worked with surveyor to see how land would be disturbed. Driveway, septic, all site disturbance. Sewer disposal system, work with Health Department. Full system needs to be designed, would need to be contingent on. Has County DOT been contacted on driveway cuts?

Ed Drexler - No. Completed SEQR day after the last meeting.

Chairman Smith - Impact assessment not completed. Questions in SEQR, have to wait for information on which way the applicant will be going. Any comments/questions from the Board?

Attorney Brown - re-notice public hearing for next meeting. Can't even open, just re-notice for April. Technical way we should do it. Four parcels, 278 not an option. Meet all requirements of Town Code. One of four parcels does not meet requirements. Not an appropriate situation for 278. Bottom line, ZBA appeal or reconfigure lots. Go to ZBA, ask for variance on lot frontage.

Chairman Smith - re-advertise for public hearing next month.

BOB SANDS FOREST: Public Hearing on 2 lot subdivision on the west side of Purcell Road running to the east side of Pompey Center Road north of the Fabius/Pompey town line containing approximately 146.70 acres of land. Bob Quinn was present, works for Environmental Forestry Foundation. They want to buy 70 acres of the 147 acre parcel. Estate of Bob Sand. For 30 years he managed timber production. Family asked college to buy and manage the timber. Nothing changes on the parcel. Some of the best tree growing in county. Issue is 20 foot wide access strip. ZBA recommended approval for access. Questioned why not buy entire parcel - can't afford it. Access to 70 acres from Pompey Center Road, stream crossing and environmental issues.

Chairman Smith - 20 foot strip of property access onto Purcell Road never an issue. Timber management, any buildings? How many vehicles at any one time?

Bob Quinn - no buildings. One bus for students in existing parking area. Maybe need to add gravel. Beautiful trees. Logging operations every 15-20 years. Would have logging trucks.

Chairman Smith - comment on map - locator, whole and dividing acreage. Larger map show everything, two lots need to be shown. Technically being divided into two parcels. Not labeled #1 and #2. Large map needs to show both lots. Topo great for lot being purchased.

Engineer Steve Snell - subdividing large parcel, it is Town Code requirement.

Chairman Smith - scale needs to be changed. Show on same size map. Need both lots to be on map.

20 foot shows as grass roadway. Previously logging trucks use 20 ft. strip. Never an issue before because of adequate frontage on Pompey Center Road.

Dan Bargabos - ZBA approved 200 ft. to 20 ft. for access? Now a complying lot?

Attorney Brown - yes.

John Shaheen - can't take issue with ZBA ruling.

Attorney Brown - Planning Board's goal is to deal with site plan.

Chairman Smith - Planning Board received a letter from Patrick Frazee against Planning Board granting this.

Attorney Brown - somebody would have to do court proceedings to challenge ZBA.

Chairman Smith - map not what we need, have not heard from ECC. SOCPA summary - declare no significant adverse implications. Gave blessing to act accordingly.

Engineer Steve Snell - no site disturbance. less than one acre, no requirement. Federal Wet Lands - 2 wet lands on property, if disturbed, get proper permits. Southeastern corner, doesn't mean definitely there. Show wetland on map. Driveway needs to be clearly marked within 20 ft. variance.

Bob Quinn - neighbors were notified by certified mail. 17 responses, one returned for incorrect address. Once a year take students out there when college can take

them.

Chairman Smith - planning any driveway improvements?

Bob Quinn - only crushed stone before logging operations. Buses are pretty small. Mini school bus size.

Chairman Smith - any other comments?

John Shaheen - have you been in contact with County DOT? Road looks straight, no problem with site distance.

Engineer Steve Snell - it is a Town road.

Rick Penhall - ZBA put in some comments, will work with Highway Superintendent Purcell.

Chairman Smith - ZBA set up parameters. SEQR determination 2/23/14 with Rick Penhall.

SEQR Impact Assessment:

- 1. No 2. No 3. No 4. No
- 5. No 6. No 7. a. No b. No 8. No
- 9. No 10. No 11. No

Motion by S. Smith, seconded by Shaheen for a negative declaration, unlisted action on the Bob Sands Forest Subdivision with the Planning Board being the lead agency. All in favor.

Motion by S. Smith to open the public hearing, seconded by Fahrenkrug.

Comments from the public:

John Frazee, land owner on adjoining property. Board needs to back up, the variance should not have been granted. Agrees with his brother's (Patrick) letter. Needs 500 ft. frontage. School needs 300 ft. frontage. Can't get enough stone in there for logging trucks. If truck/bus get stuck, it will interfere with the adjoining property. Would like the Planning Board to send back to the Zoning Board. It was a closed meeting. There was opposition at the first meeting. Doesn't know what the Board can do. You will be setting a preference, if you have property to sell.

Ron Miller - Purcell Road - north side of right of way. John is on the left. Clarification on owned by Bob Sands or a right of way. 40-50 years ago Boy Scout Jamboree. Is it a right of way?

Engineer Steve Snell - tax map shows as part of lot, 20 feet on Purcell Road. Property line, not easement.

Ron Miller - right between two properties. Has reservations. Acknowledge tree farm and educational.

Attorney Brown - Planning Board can't change the ZBA decision. 60 days to challenge.

Ron Miller - didn't have chance to voice their concerns. Other than 60 days for an appeal of ZBA decision, can anything else be done?

Attorney Brown - go to court, explain reasons.

Ron Miller - there has been one logging since he has been on Purcell Road, 35-38 years. Really should be improved.

Chairman Smith - we look at subdivision. Look at what's been given to us.

Attorney Brown - for Planning Board to deny subdivision, very little flexibility. Has to be substantive reason to deny subdivision. cause major flooding issue, major environmental issues.

Ron Miller - our arguments need to go further than Planning Board. 500 ft. to 20 ft. right of way. This is a precedent.

Mike McDevitt - he is there representing his parents.. Own all of south side of woods. Grew up there. Never been a road. Can't get rescue truck in there. If road built would push water into road. Parents are against it. Access it from Pompey Center Road. Bathroom? Emergencies? Logging trucks, buses.

Barbara Dailey - #5 Road West - can speak to flooding, environmental issues. Has a really strong association with ESF. ESF students respect property. ESF administration would be good neighbor. Have a great deal of respect for students for over 25 years. Feel the neighbors could be comfortable.

William Kirchhaine - next time have a meeting, send a certified letter. Would not know about meeting if not for neighbors.

Chairman Smith - it is the applicant's responsibility to research neighbors within 1,000 feet.

William Kirchhaine - 1963 - John's father helped put up his house. Haven't had any problems. Not opposed to road. Proposal past Ron's house, safety issues,

no turn around, densely wooded. Trips planned? Kids could go on his property, he would be liable. ESF could put another road and be shorter. Setting a precedent. How do you know what will be proposed? Attended first meeting (ZBA), didn't know you could speak. Wasn't given a chance at first meeting. All should be very thoughtful on decision made tonight.

Ron Miller - distance from Pompey Center Road, shorter than from Purcell Road.

John Frazee - not against the subdivision. Just the driveway. Should be clause in there that ESF can't build for housing. Can they sell it? Can it have a house with 20 ft. access?

Engineer Steve Snell - clarification - it is not an easement.

Chairman Smith - Planning Board looking at distances. Map doesn't show distances. Could it have been subdivided differently? Have you thought about emergency vehicles.

Engineer Steve Snell - to further develop you would need to have 60 feet. So, no further subdividing.

Chairman Smith - Board, any comments?

John Shaheen - have the same concern, emergency vehicles.

Dan Bargabos - are we getting another map before making a decision?

Chairman Smith - have you looked at subdividing differently?

Bob Quinn - it was based on where valuable timber is located. Looked at other options, 2-3 times the distance and stream crossing.

Chairman Smith - at this point not comfortable with map. Some questions on 20 ft. accessibility.

Bob Quinn - drainage problem. Park on Purcell Road, walk the 700 feet up to wood lot. If improve the road, could cause problem, have adverse affect on drainage.

Mike McDevitt - not bad neighbors, just wet. Hunters park on Purcell Road.

John Shaheen - ESF arrangement with Sands, using the property now?

Bob Quinn - no.

Motion by S. Smith, seconded by Shaheen to continue the public hearing at the April 21, 2014 meeting. All in favor.

Will need full map, topo, locator map, number lots 1 and 2, show wetland.

Attorney Brown - drainage concerns, safety concerns. Contact fire department.

John Shaheen - agree with Jeff, contact the fire department. Based on locator map, makes it look like a structure is there near the road.

Bob Quinn - no structure, will redo.

Motion by Shaheen, seconded by Fahrenkrug to adjourn at 9:15 p.m.

Respectfully Submitted,

Darla M. Mawson, Secretary