

**MINUTES OF A MEETING
OF THE PLANING BOARD OF THE TOWN OF POMPEY**

October 16, 2023

6:30 PM

Pompey Town Hall

Board Members Present: Sue Smith, Chairperson
Sarah LoGiudice, Board Secretary
Kevin Coursen
Carl Fahrenkrug
Dan Bargabos

Four members of the Planning Board were present. Also present were Attorney Jamie Sutphen, Town Engineer John Dunkle, Codes Enforcement Officer Tim Bearup and Town Supervisor Renee Rotondo. Absent were Board members John Shaheen, Roy Smith and Deb Cook. The meeting was livestreamed via Zoom.

Chairperson Smith called the meeting to order at 6:32 pm.

Changes to the meeting minutes from last month were submitted; several more were made by Chairperson Smith related to the easement mentioned in the Pivot Solar application. C. Fahrenkrug also had a Harvard Business Study, which he would like to be attached to the minutes. A Motion was made to approve the minutes with changes. All were in favor, none were opposed.

Perry Real Estate Holdings Broadfield Road Subdivision:

Continued review of an application for subdivision of land located at 7940 Broadfield Road
Manlius, NY 13104 (Tax Map No. 004.-03-44.1 and 004.-03-49).

Present for the applicant is Tim Reynolds from Ianuzi and Romans Land Surveying, P.C. Mr. Reynolds provided new maps to the Board Members. The term “proposed lots” was removed from the notes and placed on the Lots themselves. The sketch plan for the driveway was also revised; they will attempt to move the water away from the driveways.

J. Dunkle inquired if a culvert will be necessary. Mr. Reynolds confirmed with neighboring homeowner, George Holden, that there is currently no culvert present. Mr. Holden felt that the water needs to be stopped before getting to Broadfield Road. J. Dunkle confirmed that they will work on a necessary condition that will allow appropriate driveway approval to be made by the Town-they need to go out in the field to see if a culvert is needed, and if perhaps a side

ditch is needed. In his opinion, this would not be reason to hold up any approvals because it can be addressed down the road.

D. Bargabos felt that drainage is the biggest deal with this application.

The Board Secretary received written confirmation that the neighbors were properly notified of the Public Hearing.

The SEQR was completed prior to opening the Public Hearing.

1. **Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?**
No, or small impact
2. **Will the proposed action result in a change in the use or intensity of use of land?**
No, or small impact
3. **Will the proposed action impair the character or quality of the existing community?**
No, or small impact
4. **Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?**
No, or small impact
5. **Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?**
No, or small impact
6. **Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?**
No, or small impact
7. **Will the proposed action impact existing: a. public / private water supplies?**
No, or small impact
8. **Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?**
No, or small impact
9. **Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?**
No, or small impact
10. **Will the proposed action result in an increase in the potential for erosion, flooding or drainage problem?**
No, or small impact. J. Dunkle confirmed that any issue with drainage could be mitigated.
11. **Will the proposed action create a hazard to environmental resources or human health?**
No, or small impact

A negative SEQR declaration was made at 6:47 pm.

Chairperson Smith made a motion to open the Public Hearing at 6:47 pm. K. Coursen seconded the motion. All were in favor, none were opposed. The Public Hearing was opened at 6:48 pm.

Philip Miller 3770 Sweet Road Jamesville, NY –Mr. Miller appeared on behalf of Sue Reiseman. He has lived in the Town of Pompey for approximately 16 years. The water that the Town had this spring was the most he had ever seen, and his culvert overflowed. He was not sure why a negative SEQR declaration was made before hearing from the Public. Mr. Miller asked that the Board review the June ZBA meeting minutes and consider what the Public brought forth during that meeting. “The ZBA imposed the following conditions...to limit amount of impervious pavement of lot 3 which is known to have flooding issues.” He believed that this must also be a condition of any Subdivision approval. An EAF must be submitted. 7868, 7864, 7866 Broadfield Road- owned by Reisman, Burns and Catalini, are all currently located in a special flood hazard area. Mr. Miller provided proof of these designations to the Board. On 9/18/23, the Town Engineer suggested that they make sure that the existing driveway does not flush out on to Broadfield Road. Can the Board conclude that there will be no adverse effect on the physical and environment condition of Broadfield Road? The neighbors are relying on the Board to make the right decision. Will the runoff be directed to Ms. Reiseman and her neighbors? This may result in a change of the flow of the water. This matter requires further review and requires an EIS. This will result in an adverse impact on the environment.

Susan Reiseman 7868 Broadfield Road-Her house is the lowest point on Broadfield Road and she gets lots of water coming down the edge of her road on her back lawn and front lawn. Mrs. Reiseman had three questions-will her well stay clean and not contaminated. She had not seen any studies or reports to ensure that this is true. The water pools around the front and back when there is a heavy rain-how can the Board say it is okay or adequate when there has not even been a study to show how the water is going to flow? The ZBA said the right of way next to her property is not to be used; she wanted to ensure that this remains true for whoever purchases the property.

K. Coursen asked if Limestone Creek is below her property. It is on one side of her property-the west side bank. The water gets to the creek and then to the road and eventually to the falls. The culverts on the side of the road are not deep, she has had them dug out but they are still not very deep. The County has dug them out once or twice in 15 years. The pipe that brings it down into the creek is too high-the culvert in front of her house is about 6 inches deep. From the culvert, it goes into a pipe that goes into the creek.

Michael Burns 7864 Broadfield Road- Mr. Burns lives on the other side of the creek from where Mrs. Reiseman lives. He is concerned about the environment; specifically two issues OCPB raised issue with-endangered species and archaeological digs. He does not believe that those have been considered. Mr. Burns read from a letter written by his wife as well. The letter noted that the ZBA approved a shared driveway allowing just 60 feet of frontage vs. the 200 feet that is required by code. She had concerns that Town and environmental engineers need to assess the properties due to flooding concerns.

Charles Heffner 4275 Frasier Fir Drive-Mr. Heffner lives perpendicular to Broadfield Road. He thanked the Board for allowing the public and for his neighbors to attend the hearing; he knows D. Bargabos because they are neighbors. He moved to his home in 2007-there has been no attempt to develop any of the property before Mr. Perry purchasing this land. He assumed this is for a reason. It appears that Mr. Perry may have purchased this land without knowing any of the potential issues. He reviewed public documents and he has researched SEQR. He was startled that the Board will listen to the criteria and found that little or no impact will be had because of the project. There are issues related to flooding, issues that have been mentioned during the previous meeting where it was noted that the edge of the property needs to “dip up” in order to prevent water from flooding on to Broadfield Road. With global warming, there is more rain. Where this access is going to be granted, the road slopes upright. It is already dangerous there as there are school buses and auto traffic. The Board is talking about granting an easement or access to a total of 18 acres of property with four properties using one road to enter there. As far as he can tell by looking at OCPS, certain things need to be addressed by the DOT before approval can be given. There are issues with fire access, even if it is two houses. The OCPB has identified that there are issues with endangered species in the 18 acres-bats. No studies have been issued that address how that will be impacted. There are also possible archaeological sites within the 18 acres. There are septic and water issues there-the Planning Board lawyer has identified that we need to have a PERC test to see where a septic system can be located. There is no site plan for where these houses might be located. We are addressing huge properties splitting an 18-acre site into half. Almost all of Frasier Fir would be affected by this 9-acre stretch of land. They have no idea where the houses might be situated. From everything he has heard, he does not know how the Board could grant this subdivision. Mr. Bargabos previously identified the ZBA decision that dictated that there were no environmental issues, and that this is a Type 2 action-he was not sure how this is possible. The lawyer said that “this is just a variance.” On the same day that Mr. Perry was last here, the property was listed with Canaan Realty for sale for just under 200,000.00. It sounds as if Mr. Perry is moving toward selling the property when we do not even know what is going to happen with this property.

K. Coursen explained that locating and building houses doesn't come directly in front of this Board-any owner would apply for a permit to build the structure and that would include the PERC test, the well locations etc.-a specific housing structure is not being addressed at this time. Regardless of the plans for the property, they can only act on the application before them.

J. Sutphen stated that unlike many other applications, any area variance application is a Type 2- that is the law. This is an unlisted action, but we do go through the appropriate review. This Board has paid an unusually large amount of attention to what types of houses may be built etc. If this Board felt that the matter is particularly sensitive, there is the condition that could allow for full site plan review prior to any building. The legal parameters have been addressed quite well as far as a subdivision goes. There is already a condition about access, and about septic, which the Board thought of before the OCPB brought it up. J. Dunkle explained that

again, this is just an application to divide a piece of property into 2 parts-it is not about how to develop the property. It would be his suggestion that the Board request oversight on how these two lots will be built in order to address all of the concerns that the neighbors have brought forth. That could not be done at this meeting.

Chairperson Smith noted that the County has reviewed sight distance and determined that the future access for the subdivision meets the site distance requirements. The letter from the County was dated 12/13/2021, but it does refer to the correct parcel and opening where the easement would be on the current map. If this is approved and the map is filed, there are several notes which refer to lot numbers, farm district on the maps.

C. Heffner asked if it was the Board's intention on voting tonight. Potentially yes, but it is a discussion that needs to be had. It would be possible to vote, but it would also be possible to vote at the next meeting. Mr. Heffner could cut his comments shorter if he knew that knowing about all of the concerns that the Board would delay making further decision. Mr. Heffner threatened legal action.

K. Coursen took issue with the threat of legal action if a decision is made tonight. Residents are certainly entitled after the Board comes to a position. Article 78 is certainly something that he can do.

C. Heffner said that he was concerned and that he hoped that the Board allow more time. On the latest map that he saw, the notes on the map still seem to indicate that there are certain things that must be approved by the Health Department before they are approved for residential use.

C. Fahrenkrug noted that in the long term it may turn out the property is not buildable. For the Board to make decisions on what may or may not happen is not something that can be done by the Board.

K. Coursen explained that any house that is built in the Town would be subject to all of these concerns. C. Heffner confirmed that issues of mitigation etc. would all have to be tended to before any houses could be built.

Colleen/Michael O'Leary 4269 Frasier Fir Drive-Mrs. O'Leary echoes the sentiments of those who have spoken already. The land is a habitat for deer, coyote dens, and lots of other wildlife. She is concerned that any building or removal of forested area behind their home would disrupt this. She purchased their property specifically because it is a landlocked parcel and there is a ravine. Half of the year, it is a wetland. Any development there could adversely impact the value of their property and their quality of life. Specifically, she disagreed with numbers 2, 3, 9 and 11 on SEQR because there appears to be a lack of information. There is a lot of dead brush in the area. If there is a fire, there is nothing to stop a fire from coming to the houses on Frasier Fir Drive. How is 60 ft. of frontage going to be adequate for four homes when the code calls for 200 ft.?

Jonathan Chowdhury 4263 Frasier Fir Drive- Most of his concerns were addressed by neighbors. He bought the property one year ago; his issue is with the wetland, specifically the properties on the east side of Limestone Creek. How does it affect the water drainage-will the back of his property be a wetland? The soil in this area is qualified as being erosive. How does this affect the erosion of the soil?

George Holden 7932 Broadfield Road-he owns the property west side of driveway. When he moved in there were drainage issues, but they have worked through most of that. He does have a leech field that has to be protected; his well is there as well. The driveway is his biggest concern. He has been there 40 years-he understands from a developer that they tried to bring an entryway from Spruce Ridge on to Broadfield road. They were shot down for sight distance from the County. He has done a FOIL request with the Town to find out if this was true or not. Four houses would mean eight trashcans; the waste management contract requires three feet between cans, so this is the better part of 50 feet. The driveway is very difficult to plow. There is really no way to deal with this without a snow blower. This is fine for him and another person, but if there is a bunch of people trying to use the driveway and they cannot get into the driveway this is a big problem for Broadfield Road. Only a matter of time before someone drives around a trash truck and is hit head on. The county shot that entrance down and approved only the west entrance. He would like to see the letter that they sent in December of 2021.

Mr. Reynolds clarifies that the approval is for a new drive on the west side. The county cannot keep them from using an existing driveway. If there is already a sight distance conflict, the way to mitigate this is to push the driveway to 22 ft. wide. This is similar to what you would see in a commercial access.

Christina Tom 4257 Frasier Fir Drive-She believed that Mr. Holden confirmed that the answer to number 11 on the SEQR needed to be a yes, and not a no. What information or resources were used to answer all of these as no? K. Coursen noted that to be clear, it is not a no, its no or small impact. Mrs. Tom felt that one person being injured would be enough to change the answer. What was used to answer the questions? Chairperson Smith said that there was a multitude of information provided, as this project has been before two Boards for most of this year and last. The Boards also looked to the Town Engineer for comments on other aspects as well. On the SEQR, there is a spectrum of no or small, or medium to large and it is a balance to the scale. What the Board is considering is a 2-lot subdivision. There are also notes on this maps that if it has approved and filed there will be no further subdivision of Lots 2 and 3.

J. Dunkle explained that as far as the SEQR goes, this is a two-lot subdivision. The action that we are doing the review on is taking a piece of property and dividing it into 2 lots. Yes, we know there are wetlands, but simply dividing a wetland up into 2 pieces leads to no impact. By regulation, the threshold for a large traffic impact is that a project generate 100 more vehicles per hour. Long Eared bats live in the Jamesville Quarry and they fly 15 miles out during the summer. This means that you cannot cut down any trees during their roosting period-they do

not live here, they live in the Quarry. These are all things that the Board has taken into account in detail. The floodplain issues are all related to Limestone Creek-the issues are not created by drainage. There may also be archaeological sensitivity. He recommends that the Board retain review of any development that occurs. We cannot evaluate them now because this is simply a legislative action. That is why the Board is developing a list of conditions that are already on the plan.

Daniel Reiseman-here on behalf of his mother, Sue Reiseman. He appreciated the statement of the Engineer as well as when the ZBA was considering the variance. These are very specific things before the Board. But the entire scope of the project is what the concern is. These things matter to not only the builder, but to the residents that have already spoken. The EAF forms and water study that have been mentioned-he does not know that the public has had access or knowledge that these items even existed. He does not see how the Board could have done SEQR before taking into account public comments. How can the ZBA make a decision on the variance before they know what is going to happen with the property? Water goes downhill. What is going to happen when those driveways go in, when the houses are built? People need the opportunity to understand how it is going to affect their homes. Whoever owns that property has the right to develop as long as it is in line with the Code.

Jonathan Chowdhury felt that J. Dunkle's comments were patronizing. There is a real possibility that there will be a large environmental impact.

George Holden said that the school district came out and looked at the site and refused to let his son cross the road to get on the bus, so his son had to stay on the bus another hour due to the sight distance. Apparently, the county has not looked at the proposed driveway other than it exists.

C. Fahrenkrug made a motion to close the Public Hearing at 7:46 pm. K. Coursen seconded the motion. All were in favor, none were opposed. The Motion passed at 7:46 pm.

K. Coursen noted that the Board takes all of these statements seriously. The Board has been working on this for a very long time, and will weigh all of these comments in the decision. The Board is bound by what we are tasked with, which is cutting a piece of property into two properties. Yes, things may happen in the future but hopefully the Town/Codes will be able to address this when this occurs.

J. Dunkle explained that he was under the impression that the letter introduced from the County referred to this driveway. Given that it does not, he would suggest that they get the county to re-evaluate the driveway serving four lots instead of two to confirm or not confirm that it is usable as intended. The Town/Board needs to make this request of the County.

D. Bargabos asked if the Board could add a condition that no construction is going to take place. Another way to get around that is with building envelopes. He is suggesting that they come back for Site Plan Review at each site. If a house is built, they will have to come back before the

Board for the Engineer and Attorney to decide if it will work. J. Sutphen agreed that sight distance needs to be addressed. If the County deems it unsafe, then the subdivision does not happen.

If Site Plan approval is a condition, then the same process for Public Hearing will need to be followed.

It is discussed that the frustration that the neighbors are having is that when they went to the ZBA they were told to bring concerns to the Planning Board. Whom is the final decision making body?

It was decided that the Board would not vote. K. Coursen made a motion to re-open the Public Hearing so that it could be continued until next month. C. Fahrenkrug seconded the motion. All were in favor, none were opposed. Codes Enforcement will contact the County re: sight distance, and the next meeting will be held on November 20, 2023.

All were in favor of continuation; the motion passed at 7:58 pm.

Lockheed Martin Corporation Site Plan Review:

Preliminary Site Plan review on proposed construction of a 1,008 square foot building used to accommodate the Syracuse Range Facility Equipment located at 3254 Windy Hill Lane Manlius, NY 13104 (Tax ID 015.-02-22.0)

Present is Mark Chambers with C & S Engineers. Several changes were made to the map. He believes that he still has the city/town listed on the map. Also included the location of the building in relation to the other buildings on the property. The map is further reviewed with the Board members. There will be no change to the impervious surface.

Chairperson Smith confirmed that the Board had previously asked that the "Town of Pompey" be included on the map. D. Cook had asked for the property line to be shown on the map. There is an old chain link fence on the property as well.

Neither J. Dunkle nor J. Sutphen have comments/issues with the application.

SEQR

- 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?**
No, or small impact
- 2. Will the proposed action result in a change in the use or intensity of use of land?**
No, or small impact

3. **Will the proposed action impair the character or quality of the existing community?**
No, or small impact
4. **Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?**
No, or small impact
5. **Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?**
No, or small impact
6. **Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?**
No, or small impact
7. **Will the proposed action impact existing: a. public / private water supplies?**
No, or small impact
8. **Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?**
No, or small impact
9. **Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?**
No, or small impact
10. **Will the proposed action result in an increase in the potential for erosion, flooding or drainage problem?**
No, or small impact
11. **Will the proposed action create a hazard to environmental resources or human health?**
No, or small impact

Chairperson Smith made a motion for a Negative SEQR declaration at 8:08 pm. K. Coursen seconded the motion. All were in favor, none were opposed. The motion carried at 8:09 pm.

Chairperson Smith made a motion to open the Public Hearing at 8:09 pm.

Paul Dudley 3229 Windy Hill Lane-Mr. Dudley owns adjacent properties. He disagreed that it does not change the fundamental use of the property. It was his understanding that it was a test facility, not a training facility. This does affect the amount of traffic, hours of traffic. Right now, there is a fair amount of traffic from just the development testing etc. adding a training facility will move the amount of hours of people coming and going from the site. There are already issues with the amount of traffic on the road. Right now, there are 20-ton trucks coming down the road. Is there additional noise that we will have on the hill? There is a high-pitched whine, and just recently, another “hum” was added to the environment. The road is showing signs of wear.

K. Coursen asked if the activity is taking place inside the building. Yes, there are two access doors that open up-the laser will shoot to the targets on the Cazenovia side. The equipment

sits on tables and are very easily moveable-there will be nothing heavy involved. The noise will be in the building. They always shoot out, it never comes back.

K. Coursen asked if the project would call for increased power requirements. No, the power that they are using is the power for the existing radar which is now gone. There will be no increased power.

Mr. Chambers explained that they are testing the equipment there; there will be no training of employees. This is a testing facility only.

K. Coursen noted that in previous years the Town has come to inspect the road. The trucks in and out now are probably 18 tons. K. Coursen will check with the Highway Department to see if anything can be done about this.

Michael Crolick 3228 Windy Hill Lane-They went through this the last time they wanted to do the building there. They were told they were only going to use the existing blacktop and only add on to that. This was wrong, there were concrete trucks going there, and they did a lot more than they were supposed to do. This is when they put the dome up. He has been there 43 years; it is now more like an industrial park. Lockheed Martin does not care about them living there. How much more noise is going to be generated? Mr. Chambers said that the noise would be contained to inside the building. They should not have to put up with any noise.

Chairperson Smith noted that there would be materials being delivered; there will be concrete for the foundation so after the building is built that type of traffic will end.

Mr. Crolick asked why they should have to pay for the Town to come every year to perform maintenance on the road. His driveway is 8 inches higher than it should be. Why doesn't Lockheed come in and donate some money to put in a decent road and not just stone? There should be a limit on what the business can do.

Supervisor Rotondo asked if there is significant wear and tear because of Lockheed Martin. Yes there is, the road has dips from the weight of the trucks.

Nancy Furdock asked if they are putting sound deafening material in the new building, is there any reason why they could not put sound deafening material in the old building. Mr. Chambers will ask.

C. Fahrenkrug asked if the noise that is generated now is a low frequency sound. If so, they may not be able to do anything about it.

K. Coursen made a motion to close the Public Hearing at 8:32 pm. C. Fahrenkrug seconded the motion. The Public Hearing was closed at 8:24 pm.

Mr. Crolick if there is a timeframe in which the project will begin. They wanted to start a month ago, and hope to have construction completed by the New Year.

K. Coursen made a motion to approve the 1008 sq. foot building at 3254 Windy Hill Lane Pompey, NY 13104 on Tax ID 015.-02-22.0 based on C&S project 574.140.001 dated July 26,

2023. Chairperson Smith seconded the motion at 8:26 pm. All were in favor, none were opposed. The motion carried at 8:26 pm.

American Tower Site Plan Review:

Preliminary Site Plan review on proposed construction of a standby 80 KW Diesel Generator System, Automatic Transfer Switch, Generator Auxiliary Power Distribution and Remote Monitoring Communications Circuitry for a communication tower tenant (ground work only) located at 7209 Sevier Road Jamesville, NY 13078
(Tax ID 010.-03-48.1)

There is no one present on behalf of the applicant. The Board had previously asked for clarification on the decibel level of the generator. There is conflicting information related to this on the project maps.

Discussion was had regarding the SEQR and if it can be determined tonight without the specific information related to the noise provided.

Chairperson Smith motioned to open the Public Hearing at 8:33 pm. C. Fahrenkrug seconded the motion. All were in favor, none were opposed.

As the applicant was not present, the Board will take comments and concerns, and the Public Hearing will remain open until next month.

Nancy Furdock-her biggest concerns are the noise pollution and the diesel fuel. The Murphy's are directly kiddie corner to the property. She wondered what the permissible decibel level is. This is a power back up, but it does need to be tested regularly? How long does the test last? It is believed that it runs approximately five minutes. K. Coursen asked if you had a choice, as a neighbor, about when the test runs, what would it be. The Board could make this part of the approval. Mrs. Furdock also wants to know more about the air pollution aspect. J. Dunkle confirmed that it is a diesel system that has to meet regulations. Why do they want this now? The power will be for all of the users on the tower. Mrs. Furdock wonders how the fuel will be stored. It is a self-contained in a triple wall container. If there were a spill, they would have to report it. K. Coursen noted that there would be a fuel delivery.

Stanley Gorman 7154 Sevier Road-he noted that the towers are not maintained well in the winter now. If they need to do something, they come in and plow; they would probably need to do something during winter if they need trucks in and out. He has had to call the County in the past because you cannot get through that road in the winter; drifting is the issue.

K. Coursen noted that there is also an access issue for the Fire Department.

Mr. Gorman has lived on Sevier Road since 1996. Channel 9 built in 1964, and he got involved around 2000. He is part of the ECC, he has helped with the Tower Overlay District but he is here tonight as a concerned citizen. This is just another thing that is going up in the Tower Overlay District, so let us take a hard look at what we are doing for due diligence as far as it goes with this law. Visibility and esthetics a big issue in this Town. Is anything being properly maintained and monitored? The ECC reviews solar applications, but not others. Previously, every application was reviewed by the ECC. The intent of the law was to allow the neighbors to be notified about anything happening at the site. He presents photos of the site, highlighting the changes that have occurred over the past 20 years under the guise of "routine maintenance." The law says the Planning Board is the governing body here. Codes is doing a great job but is overtasked. Board members promised him 20 years that these towers would be monitored. He is concerned with what the towers are giving off, most importantly the Doppler. Additionally, these properties are under assessed. The Town Law says that every six years the Town will do a frequency test. He is asking that before we move forward can we take a time out, look, and make sure that these companies are doing what the law says they are supposed to be doing.

C. Fahrenkrug looked at the data and the output was approximately 10 times below the data, which was a good thing.

Supervisor Rotondo explained that when she took office, Mr. Gorman was very interested in having more done with the towers because there had been years of neglect. They worked with him and now have files on each tower. They sent a letter to each one to ask them to come into compliance with Town Law. Many of them did not respond at all. Therefore, the Town started to re-assess them. What the companies are really supposed to do is provide the Town with their financials. The Town has assessed them higher and are going to see how long it takes to get their attention to give the Town what we need. They are not attentive to small Town requests.

K. Coursen agreed that this is a great opportunity to get this information from American Tower. Chairperson Smith confirmed that Town Law says they are supposed to come back every two years with verification that they have done the maintenance and are in compliance with FCC regulations re: emissions. Mr. Gorman will clarify this further.

Chairperson Smith made a motion to move the Public Hearing to next month's meeting. C. Fahrenkrug seconded the motion at 8:59 pm. J. Sutphen noted that the Board has reasonably asked, within a reasonable timeframe under the FCC regulations for the noise generation. It has not been provided, and therefore the town does not need to make a decision on this modification until we get that information, and it is reasonable to request it. We have requested this information and we do not have it, and therefore it needs to be provided before we can act on this request.

El Hindi Subdivision:

Preliminary review of an application for a subdivision of land located on Ridge Road, South of
No. 5 Road West

(Tax ID 030.-04-02.1)

Present for the applicant is Brad Hunt from Mackenzie Hughes LLP. This is the initial meeting on a proposal for a subdivision to create a new lot on Ridge Road; there will be a 9.6-acre lot and a 36-acre lot. Both lots comply with regulations, and there is no proposal for development on either lot-this is an interfamily transfer. This is all vacant land that is used recreationally at this time.

J. Sutphen asked if the land is used for agricultural purposes. If so, it would be exempt. It does not appear that this is the case, so it will need to follow the Town's established subdivision process.

The Board members review the maps. There is a 30 ft. wide area on the map that's purpose is unclear. Further discussion is had between Board members related to the maps.

This matter will be on for a Public Hearing next month. Ridge road is a County road, and therefore the applicant needs to reach out to County DOT re: sight distance. This does not require OCPB review. Chairperson Smith asked that the applicant ask the County to look at both lots.

The Board Secretary will provide the applicant with a sample letter and list of neighbors within 1000 ft. for notification purposes.

Chairperson Smith made a motion to adjourn the meeting at 9:11 pm. K. Coursen seconded the motion. The meeting was adjourned at 9:12 pm.

Respectfully Submitted,

Sarah LoGiudice
Secretary to the Planning Board
Town of Pompey