

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

March 18, 2024

6:30 PM

Pompey Town Hall

Board Members Present: Sarah LoGiudice, Board Secretary
Sue Smith, Chairperson
Kevin Coursen
John Shaheen
Dan Bargabos
Deb Cook
Will Frazee

Six members of the Planning Board were present. Board Member Carl Fahrenkrug was absent. Also present were Attorney Amelia McLean-Robertson, Town Engineer John Dunkle, Codes Enforcement Officer Tim Bearup and Town Supervisor Mark Nardella. The meeting was livestreamed via Zoom.

J. Shaheen made a motion to accept the minutes from last month's meeting at 6:33 pm; K. Coursen seconded the motion. All were in favor, none were opposed. The motion passed at 6:34 pm.

McCaffery Subdivision

Public Hearing on an application for subdivision of a 55.78-acre parcel into
Two (2) proposed parcels on Ridge Road in Pompey, NY (Tax Map No. 026.-01-12.1)

Present was the applicant, Kevin McCaffery.

Mr. McCaffery presented a map with an aerial view of the property. It was once a 90-acre parcel that was previously subdivided. The previous subdivision included an easement to allow access the rear farm fields.

Mr. McCaffery sent an updated plan, but asked the Board to now disregard. He presented a new one with updated sight lines. The proposal is pull out 3.5 acres, leaving 52 acres. There is an existing well and driveway. He is currently working with County DOT to get that approved.

Chairperson Smith noted that there had previously been questions on the 50-foot easement. D. Cook asked if the land was dry enough to allow access to the back.

Chairperson Smith asked if the farm lane were going to be moved off Lot 3A-1, then you would be traveling through Lot 3A-2. The easement is going to stay where it is with the same definition and coordinates. W. Frazee confirmed that he gave input at the last meeting that advocated keeping the easement as is. After further consideration, he felt that it would likely take either as much or more to develop the property in the future if the easement was moved.

J. Shaheen noted that the advantage of the plan as is would prevent three different owners from being involved in the easement, which could lead to issues down the road.

J. Dunkle had no questions or concerns with the proposal. There are no environmental impact to subdivision.

D. Bargabos noted that approval should be made contingent on sight distance approval from the DOT.

Chairperson Smith wanted to make sure that a revised date is included on the map to ensure that the correct map is submitted as final. The final map should be dated 3/10/2024.

J. Dunkle recalled that we spoke last time about the language included in the easement. W. Frazee was concerned that they would have to eventually develop along the back of the new lot of land that they would not own on the north side. The exiting deed notes only a right of way for ingress and egress. K. Coursen asked if it is a given that you can improve a right of way; A. McLean-Robertson confirmed that it would depend on the language in the deed.

Mr. McCaffery read the specifics of the language on the deed. It is just a right of way and does not give the person using it the right to maintain it. If something were obstructing the right of way, then the property owner would have to move it. Last meeting it was not determined where the easement was going to be, if it is determined where it is going to be, the language included the in the deed needs to contain the correct language.

D. Cook confirmed that the driveway previously gave access to Lot 2A, until the beavers created a dam.

Chairperson Smith asked to clarify if there was already a man-made pond on the land prior to the beavers creating the dam. Mr. McCaffery confirmed that there was.

The minutes from last month were reviewed relative to the language on the specifics of the easement. Any motion will be contingent on receipt of a letter from the DOT re: sight distance and language clarifying the right of way.

The SEQR was completed prior to opening the Public Hearing.

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. 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

Chairperson Smith made a motion for a negative SEQR declaration at 6:58 pm. K. Coursen seconded the motion. All were in favor, none were opposed. The motion carried at 6:58 pm.

S. Smith made a motion to open the Public Hearing at 6:58 pm. K. Coursen seconded the motion. All were in favor, none were opposed. The motion carried at 6:58 pm. There was no one present in the audience who wished to speak.

K. Coursen made a motion to close the Public Hearing at 6:59 pm. S. Smith seconded the motion. All were in favor, none were opposed. The Public Hearing was closed at 6:59 pm.

J. Shaheen asked if the property was north of Number 4 Road. Yes, it is.

W. Frazee recused himself from any vote on the application due to a conflict of interest.

K. Coursen made a motion to approve the McCaffery subdivision based on a map dated 3/10/2024, part of Lot 66 and 67 Town of Pompey, Tax Map 026.0-01-12.1. The approval was based on some changes to the map including correction on the sight distances of the proposed driveway, an updated date on the new map, and a description of the 50-foot easement east of Lot 3A-1. The language in the easement must include who maintains it, and what type of maintenance is required. Language noting that the parcel is a non-buildable lot needs to be included as well.

J. Shaheen seconded the motion at 7:03 pm.

Chairperson Smith made a motion to revise the motion. K. Coursen seconded the motion at 7:05 pm. All were in favor, none were opposed.

K. Coursen made a motion to revise the motion to include a letter from the DOT relative to the proposed driveway at 7:06 pm.

A. McLean-Robertson confirmed that language addressing the ability to make improvements to the easement is outside of the scope of the Planning Board

Roll Call Vote

J. Shaheen: Aye

K. Coursen: Aye

Chairperson Smith: Aye

D. Bargabos: Aye

D. Cook: Aye

W. Frazee recused himself based on personal interest in the property.

Mr. McCaffery can submit the updated information directly to Codes.

Curtis Subdivision

Preliminary review of an application for subdivision of land located at 3161 Bush Road Jamesville, NY (Tax Map No. 018.-02-08.1)

Present is the applicant, Nicholas Curtis. 3161 Bush Road is his physical address. The property being subdivided does not have an address; it will be referred to as land on Bush Road and identified using the tax map number.

The maps were reviewed. This is a simple two-lot subdivision breaking off a two-acre rectangle lot on the east side property line. Eventually there will be a single-family house built on the two-acre lot.

D. Cook asked if there is sight distance for Lot 1 for any eventual driveway. They have not gotten that far yet. There is a hill just prior, but there are driveways all along that side of the road. K. Coursen confirmed that for subdivision, the sight distance will not be required, but it will be required to obtain a building permit. There is an existing driveway for Lot 1. It is just a farm access driveway. D. Bargabos noted that just because there are other driveways there, that does not mean that they will be entitled to one.

Bush Road is a Town Road. T. Bearup has been to the sight and has no concern. He believed that he should have what he needed for sight distance.

Chairperson Smith asked why it is not straight on the backside. It follows the contour on the lay of the land. Mr. Curtis wanted to make sure the farmer had access to Lot 2 to continue to farm.

Chairperson Smith noted that there is another reference to a Lot 1 at the top of the map. That land belongs to the same family; he is not sure why it was included on this map. That could have been part of the original subdivision and is a totally different parcel. Mr. Curtis should take Lot 1 off these maps to avoid any potential confusion.

K. Coursen asked if there are any wetlands present on the property. There are not.

The Board will schedule a Public Hearing for next month. The Board Secretary will provide the information necessary for the applicant to provide proper notice to neighbors.

Chairperson Smith thanked all who attended the county symposium. J. Shaheen has turned in his online training certificates.

Chairperson Smith made a motion to adjourn the meeting at 7:16 pm. K. Coursen seconded the motion at 7:16 pm. All were in favor, none were opposed. The meeting was adjourned at 7:17 pm.

Respectfully Submitted,

Sarah LoGiudice
Secretary to the Planning Board