

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

September 18, 2023

6:30 PM

Pompey Town Hall

Board Members Present: Sue Smith, Chairperson
Sarah LoGiudice, Board Secretary
Deb Cook
Kevin Coursen
John Shaheen
Carl Fahrenkrug
Roy Smith
Dan Bargabos

Seven 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. The meeting was livestreamed via Zoom.

Chairperson Smith called the meeting to order at 6:34 pm.

The minutes from last month's meeting will be addressed later on in the meeting.

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 are the applicant, Steven Perry, and Pat Reynolds from Ianuzi and Romans P.C. Since the last time they were here, they have produced a sketch plan, gotten copies of the right of way and the land transfer to Aapex Properties. The right of way language includes that any future maintenance costs would be split between three parties. There is also a note on the maps that states that the easement cannot be turned into a public right of way in the future.

Chairperson Smith explained that this application did go to the ZBA. They did approve two 140 ft. variances on lots 2 and 3, but have also given the suggestion/recommendation that lot 3's 60-foot access would be off the proposed shared driveway easement. Any word "proposed" will need to be removed from any maps that are filed. The notes refer to Lot 1 and 2, but it should say Lots 2 and 3. Under the last note on the map, it currently reads, "no public road will be allowed to replace..."Would it be clearer to say the ingress/egress utility easement is not a public road and is not built to town standards? J. Sutphen confirmed that this would be the correct way to note this.

K. Coursen pointed out an error in the grammar of one of the notes on the map.

J. Sutphen did not see the note about the shared expenses noted in the agreement. Mr. Reynolds pointed out where the language is located in the agreement.

As this is an application for a subdivision, we will need to schedule a Public Hearing.

J. Dunkle asked if they could grade the driveway in such a way so that it does not drain directly onto Broadfield Road. Mr. Reynolds will make this change so that the water is not flushing out over the highway.

The next scheduled Planning Board Meeting will be October 16, 2023. Letters will need to be sent to all property owners within 1000 feet of the property. J. Sutphen confirms that a notarized affidavit is enough to prove that the mailings have been sent, and that the standard letter mailed to all of the residence will suffice. The Board Secretary confirmed that the list of neighbors and the verbiage for the letters would be sent to the applicant again.

Member of the audience asked if the documents for this project are available on the Town website. They are not, but will be added.

Pivot Energy Concept Site Plan Review:

Continued Site Plan review on proposed construction of a community solar project on Sweet Road (Tax ID 012.-01-03.1)

Present for the applicant are attorney Hyde Clark, and John Shields and Jacob Runner from EDR.

There have been no changes made to the Site Plan since the last time the applicant appeared before the Board in July.

Chairperson Smith referred back to the cover letter, specifically that the concerns brought forward from last time were addressed. She wanted further explanation on that, specially related to the amount of prime farm soils that will be disturbed. When they previously looked at the soil maps, the eastern side had more prime soils. The prime soils were reduced further west, which is why they moved the project in that direction. The maps are reviewed. She would also like to see an expanded map showing additional view shed from the corners, instead of just in the middle. The attorney asked if this is something that the Board would need to see prior to making any recommendation. K. Coursen and J. Shaheen said that they feel that any issue with view shed can be mitigated.

C. Fahrenkrug asks what the maximum height of the panels is. They have noted 12 feet conservatively, but have been seeing a maximum height closer to 10 feet with other Pivot projects. What is total amount of acreage that will be affected? It is 21.1 acres of the 95.5-acre parcel.

Mr. Clark asked that the additional screening/visual be considered during Site Plan Review process or brought forth during the public hearing.

S. Smith last time around there was one access point, but now there are two. They explain that because they split the array, they need access to each inverter. This was brought up during the previous public hearing by a landowner who wanted to see the road shifting. Access points are only for service and emergency response, so it does not increase the traffic.

c. Fahrenkrug asks what the expected time for the project is and what would the recycling plan be. The technology is still new, because they are not seeing projects going through full decommissioning in the northeast. All of the materials are recyclable. John Shields with Pivot said that it is usually a third party who comes forth to provide recycling services. K. Coursen noted that as the technology for the panel's changes, so does the technology used for recycling. C. Fahrenkrug concern is that the amount of materials that are being generated is approximately 50 times the original projections (Harvard Business study.) In Europe, they have decided that it will be the manufacturer, but that has not been decided in the United States. If they were to go out of business, the plan would be part of the decommissioning plan on file with the Town.

J. Shaheen noted that there is a company in Liverpool that accepts panels for recycling. He has spoken to them previously.

D. Bargabos noted that the decommissioning plan is going to be more of a Town Board issue.

J. Dunkle confirmed that Pivot would work with the Town Board on decommissioning; they will consider inflation.

J. Shaheen noted that the law includes a review of the bond every 5 years to determine the appropriateness of the amount of the bond. The Town picks the evaluator at the expense of the applicant.

Chairperson Smith asks who the environmental manager that they work with is, as Ag and Markets guidelines dictate that one is present on site. Pivot could hire a third party company to handle this.

Chairperson Smith asks who is responsible for the upkeep of the land outside of the fence. Ultimately, it is up to the landowner to decide what he wants to do with the property. Right now, it appears he wishes to continue farming the land. Two smaller properties would make it more difficult for an agriculturalist. K. Coursen notes that this would be the burden of the property owner-he has asked them to build this project on his property. All of the property will still belong to him. There are ways to mitigate this as well.

Chairperson Smith noted that this is still disturbing prime farm soils and Ag and Markets dictates that we should avoid doing this. J. Shaheen noted that this was all taken into account when the solar law was written.

J. Sutphen noted that this is just going to be a recommendation; the Town Board will still need to make a decision. Last time this project came through, it was determined that this project did not conform to town standards. K. Coursen said that globally and nationally farmers have been affected by climate change etc.-we are trying to mitigate this. Other towns around us are attempting to mitigate this and we have not done so yet. K. Coursen noted that we have approved housing tracts on prime soils much larger than this. J. Shaheen said that it is also important to note that last time this came through it was determined that the project as brought forth did meet the spirit of the law, and that the view shed is mitigatable. That ship has sailed with the cell towers in the background already.

Pivot has included a lot more screening than what was in place last time. They are willing to put more vegetation in place as necessary. C. Fahrenkrug notes that they noted the dramatic reduction of farmland used in their plan. Is this saying that housing growth should also be stopped? J. Shaheen asks if this means that the Town should stop building houses as well. K. Coursen would like to see how much farmland in Pompey has not been farmed for how many years. The master plan was taken into account when the solar law was developed.

J. Sutphen notes that the changes that would possibly make this a different decision than last time is that there is a reduction in the farm soils impacted, and that increased screening to further mitigate issues with the view shed has been added.

Chairperson Smith noted that if the double row of screening were put in place, then we would also lose the view shed.

The third way in which it is different is that the landowner would set aside separate acreage equivalent in size and quality in an agricultural easement.

K. Coursen asks if this is a place in which many people stop to appreciate the view. Chairperson Smith noted that many people drive Sweet Road. K. Coursen said the issue with Sweet Road is the speed in which they travel; it does not appear that these travelers are sightseers.

J. Sutphen noted that it appears that there could be two possible motions made. One, that there is not a significant enough of a change from the last proposal. The second being that this is enough of a change from last submission to give a positive recommendation.

J. Shaheen proposed the following motion at 7:25 pm:

The Planning Board recommends that the parcel (Tax ID 012.-01-3.1) upon which Pivot Energy's Tier 3 Solar Community Solar project is intended, per its pending application, be added to the Solar Overlay Zone with the following findings and conditions:

- 1) The applicant must meet the requirements for limiting the project to no more than 50% of Prime Farmland, Unique Farmland or Farmland of Statewide Significance on the parcel. It is noted that in addition to meeting these requirements, the participating landowner has agreed to set aside acreage equivalent in size and quality in agricultural easement to mitigate potential impacts on farmland in the Town. The applicant has also shifted the array (compared to their previous application) to reduce the number of acres considered Prime Farmland by 25% compared to its previous application.
- 2) The configuration as currently shown provides some natural buffers to adjoining properties and Sweet Road. A screening plan will supplement that natural vegetation.
- 3) Setback and maximum coverages appear to be met by the preliminary plan.
- 4) It has been noted that the site is located in a Scenic View shed as identified in the Town of Pompey Master Plan. However, it appears that thru existing vegetation supplemented by the screening plan, the view-shed issue is mitigatable. It should be noted that a number of towers are also in the background of that view shed currently.
- 5) This application appears to meet the spirit of the solar local law, as it has been written.
- 6) The Board acknowledges that there is concern regarding the reduction of prime farmland soils, both in our Town and the State.
- 7) The local law provides that if this matter is granted Solar Overlay Zone approval from the Town Board, it will be referred back to the Planning Board for Site Plan Review where these issues will be further addressed, subject to final engineering and legal review.

K. Coursen seconded the motion at 7:27 pm. No further discussion is had.

The motion goes to a roll call vote. Results of the roll call vote are as follows:

J. Shaheen-Aye
K. Coursen-Aye
S. Smith-No
C. Fahrenkrug-No
D. Bargabos-Aye
D. Cook-Aye
R. Smith-Aye

The motion is passed five to two in favor of recommending this project to the Town Board.

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
Cazenovia, NY 13104
(Tax ID 015.-02-22.0)

Present for the applicant is Mark Chambers with C&S Engineers for Lockheed Martin. The project involves a 1008 sq. ft. building that is going to house their laser program training/testing facility. There is an existing building that will need to be torn down, and they will construct a 21 ft. tall building (single story). The maps are reviewed. It will have the same look as the other buildings that are already there, same color scheme etc. The lasers will be coming out of the windows. The windows include shrouds that will ensure that the lasers point directly at their targets.

C. Fahrenkrug asks why they need to make sure the lasers are directed at their targets. Mr. Chambers noted that the lasers are safe for up to 15 feet; they are low powered, not destructive, and meet all safety standards. C. Fahrenkrug asked if it is unlicensed. The lasers will be directed to a previous project.

D. Cook asks how far away from the property line the building is going to be. The line is quite a ways away. Chairperson Smith asks for a map showing the entire parcel, including all of the buildings. Also, please correct Windy Hill Road to Windy Hill Lane on the maps; include Town of Pompey.

Chairperson Smith asked if there would be a bathroom-there will not. There is exterior lighting over the doorway and several other places... J. Dunkle confirmed that they need to be downward facing and dark sky compliant. There will be no tree removal, and no screening involved. An old radar system will be removed.

The applicant will be on for a Public Hearing next month. The Board Secretary will send the applicant the list of neighbors and wording for the letters.

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)

Present for Applicant via Zoom is Aynee Nacora.

K. Coursen asks how big the generator is physically. The pad is 8X6, and the height appears to be seven feet.

J. Shaheen notes that there is a 1000-gallon diesel fuel tank. He does not see this on the site plan; where is it located. J. Dunkle noted that some of the newer generators have a self-contained fuel tank, and he would imagine that this is the case here. We need this clarified. Whether it is integral or separate, they require secondary. It will also need to be registered.

Chairperson Smith asks if there is an existing generator in operation there. Not to Ms. Nacora's knowledge, no. What is noise decibel level that the proposed generator would give off? J. Dunkle includes that we will need to know what is the exercise frequency, how often is it programmed to go off etc., and how loud will it be when it is being exercised? D. Bargabos assumes that it will probably want to test itself once a week.

Chairperson Smith asks if there will be any additional lighting. No, there will not be.

K. Coursen notes that Generac will probably have the information on the decibel level and how often it tests itself and for how long.

R. Smith feels that this is really something to be considered. He has a generator, and they do not even think about it anymore when it is tested. However, someone who is not used to this will have to adjust to this noise.

Chairperson Smith asks if this is on an area that is already cleared. K. Coursen confirms that yes, it is within a fenced in area.

J. Sutphen suggested that we provide the Ms. Nacora a list of questions that we have prior to a Public Hearing.

K. Coursen noted that there will likely need to be a fuel delivery –this would likely occur during the day.

Chairperson Smith explains that our Code requires a Public Hearing on this; it will be scheduled for 10/16/23. The Board Secretary will provide the necessary information for neighbor notices.

Chairperson Smith references the Hootnick decision that was previously rendered. They have attempted to start the new roadway and have discovered that there is a utility pole in the center of the proposed roadway. The Town has looked and said that they can move it accordingly. The Town has asked for a map of what they are proposing. They are changing the placement of the road, which means they are changing road frontages etc. J. Shaheen noted that there is also a concern for the neighbor across the street as well. J. Sutphen feels that it needs to come before the Board again, so we need an actual map that shows existing poles. It cannot be directly across from the house across the street. K. Coursen asks what the process would be to move the pole to the right or the left; it is likely too expensive. J. Dunkle says that if they are going to shift the road 10-15 feet, then that is doable. We do not know how severe the relocation needs to be, it may be something simple. If it is within the 60 ft. right of way then it does not need to come back before the Board.

The Minutes from last month's meeting were distributed accordingly. The Board Members read through the minutes for potential changes. J. Shaheen and Chairperson Smith make grammatical changes and correct typos. K. Coursen makes a motion to approve the August minutes at 8:07 pm, J. Shaheen seconds the motion.

C. Fahrenkrug noted that he had referenced a solar study that was published in the Harvard Business Review. The study can be found here: <https://hbr.org/2021/06/the-dark-side-of-solar-power>.

J. Shaheen makes a motion to adjourn at 8:08 pm. J. Shaheen seconds the motion. The meeting is adjourned.

Respectfully Submitted,

Sarah LoGiudice
Secretary to the Planning Board
Town of Pompey