

Minutes of the Town of Pompey Planning Board held on February 21, 2022 at 6:30 pm at the Town of Pompey Town Hall

Present for the Planning Board:

Kevin Coursen

John Shaheen

Dan Bargabos

Carl Fahrenkrug

Sue Smith - Chairperson

Deb Cook

Absent: Roy Smith

Also present were: Veronica Hotaling working the electronics and Renee Rotondo, Supervisor; John Dunkel, Town Engineer and Jamie Sutphen, Planning Board Attorney, who also acted as Secretary for the meeting.

The meeting was called to order at 6:45 pm by Chairperson, Sue Smith

Chairperson Smith noted that this is first meeting of the year. She asked for a moment of silence to recognize Larry Fitz Town assessor, upon his recent passing. The Chair welcome to Deb Cook new member filling out one year vacancy term on the Board. The balance of the members introduced themselves.

The Chair also welcomed John Dunkel as the new Town Engineer - John introduced himself; looks forward to working with the Board.

As a house-keeping matter for the first meeting, Chairperson Smith made a motion seconded by Mr. Farhenkrug that the meetings continue to be conducted on the third Monday of the month at 6:30 pm.

Mr. Shaheen next noted that he had issues with the resolution that is Exhibit A of the last meeting minutes. Mr. Shaneen noted he specifically disagreed with many of the statements in the Exhibit A - as attached to the 12/21/2021 minutes. Mr. Shaheen provided the notes as to the exact nature of his disagreement and those notes are attached hereto as Exhibit A.

Chairperson Smith made a motion to confirm the minutes of the December 20th meeting, as reviewed and edited. The motion was seconded by Mr. Bargabos and motion carried with 4 members voting in favor and two members, Kevin Coursen and John Shaheen voted against the motion.

The Chairperson noted the March 10th Symposium for the Planning Federation is scheduled and she wants to make sure everyone who wants to attend can do so.

Bob Rodriguez retires at the end of this month. Chairperson Smith thanked Bob for the work that has been done.

Chairperson Smith took the opportunity to bring the Board up to date on some lot line adjustments, as there is no Codes officer to review and same and because these are matters that this Board may weigh in on at the Chair's option. The Hootnick Mitten subdivision lot line adjustment was shown and discussed. Ms. Hootnick will be dividing a portion of per property off of the back to combine with Mr. Mitten's parcel. The Board reviewed and had no concerns or comments, so the Chair will sign the maps as lot line adjustment.

Stringer proposed Subdivision was reviewed by the Board.

The Board reviewed the map and wants some clean up matters on the Preliminary Plan map so that it is understood what has been approved and what may be pending. The Board recommends that the entire Preliminary Plan be shown as same have been separately file and that the "as built" be put on the map and further the lots that have not been filed be shaded with note that as to these lots, this is a Preliminary Plat and the lots are shown for information only and not approved by the Town of this Board.

The Board recommends that the Preliminary plan map be amended and then the applicant may return to the for further amendment and when that is done, then the lot line adjustment can be done at the same time.

Any resolution on by this Board and/or note on the map with likely state that notwithstanding lots that are shown for information on the final plan are not "separate approved lots" but the lot is a single lot and will be considered as a single intact lot for preliminary plat purposes

There was further discussion regarding need for preliminary plat to be up- to- date and modified to show all houses on the lots as filed, and then approved by this Board. The applicant will be so advised.

Mr. Coursen made a motion to adjourn the meeting, seconded by Mr. Shaheen - the motion carried unanimously and the meeting adjourned at 7:35 pm.

Respectfully submitted:

Jamie L. Sutphen, acting Secretary

Exhibit A to Minutes of February 21, 2021

The approved language of the Resolution of the Planning Board dated December 20, 2021 is shown below, with the comments of member Shaheen noted in bold italics below specific sections of text.

Adopted language:

The Planning Board of the Town of Pompey has considered the request of Pivot Energy to develop a community solar project on Sweet Road (Tax ID 012.-01-3.1) in the Town (“Project”). The Board has reviewed the letter of Gordon Woodcock, Director, of Project Development dated July 6, 2021, and the attached information as well as supplemental information provided by Gordon Woodcock on October 15, 2021. The Board has heard from the owner of the property upon which the Project is intended to be located and members of the public at public meetings of the Planning Board.

In accordance with Local Law 1 of the Town of Pompey 2021 this Project is considered a “Tier 3 Solar Energy Systems” project. Per said local law this Board is charged in the first instance, with delivering a report to the Town Board after review of concept site plan and overlay zoning review.

This Board has reviewed the relevant issues, law and matters surrounding this proposal and finds that Overlay Zone that would permit a Tier 3 Solar Energy System on the parcel as proposed is **not** recommended.

Town’s Comprehensive Plan at page 12 sets an order of priorities for the Town summarized as:

1. Preserve Agricultural Land
2. Preserve open space
3. Preserve quality of life for all residents
4. Protect scenic beauty and viewsheds

Comment:

I would point out that here were two items also listed on page 12 of the Comprehensive Plan that were not included in this EXHIBIT. Specifically:

- 1) Protect the Environment***
- 2) Provide clear ground rules for residential development***

More importantly, the statement in the Exhibit implies that there is an order of prioritization,

the first item presumably being the most important, the last item being less important. I was a member of the Master Plan Committee. There was no intended “prioritization” to my knowledge nor is there one stated in the document itself. The document states that “The major objective of this Master Plan is to create a framework of recommendations and guidelines to assist the Pompey Town Board in implementing laws and zoning codes to” address the 6 items. They are all of equal importance and require balancing of competing interests.

Adopted language:

A Primary consideration of this Board in making the recommendation herein is that this parcel of land is considered Prime Farmland by the USDA.

The Town’s comprehensive plan places a high priority upon protection of farmland within the Town. Specifically, per the Agriculture and Markets Law of the State of New York, this is Prime Farmland as it contains significant soils two of which soils are Lima Silt Loam and Honeoye Silt Loam, which are some of the most important rotational farmland and soils.

Comment:

The majority of the parcel is considered Prime Farmland based on a recently completed soil survey. The applicant has stated in the application letter dated July 6, 2021 that he intends to utilize approximately 21 acres or 22% of the parcel for the proposed project. It should be noted that 21 acres represents approximately .1% of the Prime Farmland in the Town of Pompey. More importantly, the 21 acres to be utilized is well below the 50% ceiling on Prime Farmland utilization allowed by Local Law 1 2021. As such, the proposed recommendation that the Overlay District not be allowed based on the presence of soils considered Prime Farmland is in direct conflict to what is allowed by Local Law No 1 2021.

Adopted language:

In addition, the applicant has not provided a full view shed analysis for this project. However, this Board has reviewed what has been supplied by the applicant and has made its own easily viewed observations.

The solar array is a very large footprint, and the topography and location would appear to make the array highly visible from the road and all those who pass by; and not easily shielded or made less conspicuous.

Comment:

I disagree that the site topography and location necessarily makes screening of the array difficult as stated in the exhibit. As a matter of fact, based on the site contours, the site actually slopes slightly downward to the west which would appear to make screening from the roadside very feasible. This was confirmed by my recent site walkover conducted on 11/14/2021.

Adopted language:

It also appears the array would be highly visible across a panoramic view of the area and visible to neighboring properties, without provision for protecting neighboring properties from glare and visual pollution.,

Comment:

I disagree with this conclusion in that, without a viewshed analysis, which presumably would occur during the next step in the process, we cannot make this determination. There is existing vegetation along the road as well as adjacent to the neighbor to the south which could be supplemented with additional landscaping features/plantings which would likely alleviate the majority of this concern. Screening of neighboring properties was included in the applicant's preliminary proposal and is required by the Town's local law.

Adopted language:

The Board notes that north of this site is a communication tower, however, given the current zoning of the area and the surrounding use and town priorities, residential development of some nature seems a more appropriate use of the property, if agriculture is not feasible. Strategy 6 on page 26 of the Comprehensive Plan.

Comment:

The Exhibit states that a residential development would be more appropriate for the site if agriculture is considered not feasible. The solar farm will incorporate grazing as well as habitat for pollinators thereby continuing some form of agriculture. A residential development will not and in fact, will likely remove the parcel from farm use forever.

Adopted language:

While Alternative energy is mentioned down the list of priorities in the Comprehensive Plan, the weighing of all factors herein more strongly supports the preservation of farmland, preservation of open space, viewsheds, and other priorities. Also, this Board has considered that there may be instances wherein extenuating circumstances and/or mitigation measures might make any particular site potentially feasible for Tier 3 solar development, but no such circumstances exist in this case.

Comment:

As we move forward, I would again caution the Board that there is nothing that I could identify in the Comprehensive Plan document that states or implies that there's a hierarchy or "pecking order" to what in the plan is considered more important. Further, as a member of that Committee, I don't recall that being the intent. Rather, it's about balancing competing interests.