

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

**August 21, 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 Supervisor Renee Rotondo was present in the audience. Codes Enforcement Officer Tim Bearup and Engineer John Dunkle were not in attendance. The meeting was livestreamed via Zoom.

Chairperson Smith called the meeting to order at 6:44 pm.

J. Shaheen and C. Fahrenkrug submitted corrections to last month's minutes. K. Coursen made a motion to accept the minutes with the changes at 6:46 pm. J. Shaheen seconded the motion. All are in favor, none are opposed. The motion carried at 6:48 pm.

**Palladino (Heritage Hill)**

**Continued review of Site Plan for project located at 3149 Sweet Road (Tax Map No. 018.-04-15.1 and 018.-04-15.4**

Several Board Members come prepared with questions. Present is the applicant, Daniel Palladino.

S. Smith noted that there are several drawings on the site plan; there was question as to who drew them-there is no name on some of the drawings. It was explained that Glen Mehall did the survey, and the Site Plan was done my Pat Leamy, who is a certified architect.

J. Sutphen noted that Pat Leighmy and the Engineer who completed the structural engineering on the building did the large sized plan previously submitted. When/if this is approved the Board would have a condition that a professional sign this.

K. Coursen asked about hours of the processing operations and the response was that initially it will be 7:30 am until 3:30 pm because that is when there will be a USDA inspector on site; outside of those hours overtime must be paid to the inspector. Applicant has asked for flexibility to add more shifts in the future.

S. Smith asks if the USDA inspector has to be present during smoking of meats at the facility, as well. Answer was that anything that will be going in the USDA packaging plant requires the inspector to be there.

C. Fahrenkrug asked if the County is approving these three shifts. Answer was applicant is asking for three shifts; this will be a five-day a week operation; there will be no USDA inspector on site on the weekends.

J. Shaheen asked if this would be a Leigh's and Steigerwald product. Applicant responded that once there is approval, they will have branding completed. Right now, there is an LLC established for banking purposes etc.; it is currently named Palladino Meats. The initial intention was for it to be Palladino brands-they have always been a beef farm. Mr. Palladino's dream was to have beef there. Leigh's and Steigerwald will stay in Syracuse. The story and the marketing is about the farm. J. Shaheen questioned what would happen if Giannelli came and asked them to start processing some of their products. Giannelli processes at their own plant, and the value of this project is not in a manufacturing facility, the value is in what you are telling the public. Mr. Palladino pays his employees more than minimum wage, and the plant will be held to higher environmental standards-it is an awesome story. This business is not the type that would allow for contract manufacturing.

D. Cook asked if all of the meat would be coming from their farm. The answer of applicant as that it depends upon demand. Small dairy is being pushed out; this could be an opportunity for people locally to raise beef and pork. Maybe someday they would buy another farm to supply the facility. Nick Palladino confirmed that they have 30 beef right now. They have 100 acres behind Nick Palladino's home, and 300 acres in total. If the business grows, they would like to pasture the beefers on the west side of Sweet Road. They currently have 10 calves with 20 on the way. Mr. Palladino has started initial conversations with Soil and Water regarding pasturing, manure management etc.

C. Fahrenkrug asked if there would be a point where the amount that is produced on-site would become an issue with the FBL. The answer was that if this idea takes off, Mr. Palladino has to get beef to the facility. There are a number of farms around the facility. If this ramps up, then they will adjust accordingly. They plan to get their feet wet, and start building their herds up once they know what the demand will be. If the business exploded, then the facility at Heritage Hill would be their flagship facility, but they would then start looking elsewhere for additional product. This would be something for the Town to be proud of. The upper limit to their output would be whatever could be handled at three shifts. They do not see three shifts occurring, but they have plans in place in case.

J. Sutphen asked if Mr. Steigerwald was present, as the Board just got a letter this evening that contains a question regarding the water usage. Mr. Palladino answered the question regarding the water usage noting that at any time, anyone can drive down Route 91 and see where the water that he is using for the brewery comes from. The water runs from the stream constantly. J. Sutphen noted that Engineer J. Dunkle has opined that there is sufficient water for this operation. There was a specific question submitted regarding the current amount of water used at the Steigerwald facility. Mr. Palladino explained that the 75 gallons a day refers to wastewater used. J. Dunkle's memo discussed total gallons used per day. Mr. Palladino will know what the usage will be because they have capture tanks. The canning line is nothing additional from a water usage standpoint because they are already doing that.

Chairperson Smith read from the "Water Supply" section of the report submitted by J. Dunkle.

J. Sutphen asked where did the 75-gallon figure come from? Mr. Steigerwald estimated this amount when he was first asked. There was confusion because the 75 gallons was only referring to cleaning water.

Mr. Palladino confirmed that the septic system would only handle 3000 gallons. The good news is that the County/DEC has approved the septic for the Heritage Hill as it stands today. If the meat processing plant were approved, another set would have to be approved to account for the meat processing. The plan is to eventually ask for approval to tie the bathrooms in. However, the washout will always be shipped off site.

K. Coursen noted that even if it were 500 gallons per shift, the well would have the capacity to handle it.

C. Fahrenkrug asked if there is a number of how much water per day will be sent away. The response was that it will be the 75 gallons at least; they will have to see how much the bathrooms generate. The wastewater is not a hazardous material. It just needs to be sent with a balanced Ph, and the County is now requiring chromatography tests.

Chairperson Smith read what J. Dunkle's report says on wastewater. The 2000-gallon tank can go in for Heritage Hill. There is to be no building until the modified plan goes through the process.

J. Sutphen requested to discuss issue of noise and hours. Chairperson Smith continued to read J. Dunkle's report as it pertains to traffic and parking, site lighting, noise and storm water.

Chairperson Smith referred back to the OCPB memo dated 4/26/23. The Board has a letter dated 8/8/23 from Jeff Till regarding approval of the septic.

Mr. Palladino has modified the parking and reflected the changes on the site plan, and only one acre is being disturbed and because of that, a SWPPP is not necessary. The Board has confirmation from Marty Voss that the driveways are acceptable as is. All three conditions put in place by OCPB have been satisfied.

Chairperson Smith had questions on the site plan, and discussion ensued regarding various matters.

- The View Pavilion has determined capacity of 94 and there was a question about the primary use of this pavilion? It was answered by applicant that it is primarily used to store picnic tables and his firetruck. The intended use was for people to rent extra outdoor space if they are having an event there. The View Pavilion is north to the front porch of the Brewhouse. People can also sit there in the summer for shade. It is mostly used to carry food in from the outside grill. On mother's day, it was used for extra seating. K. Coursen confirmed that it would mostly be used for extra seating.

- The applicant described that the "Additional Pavilion" is mostly storage. If it is used during an event, will music carry down there? People have to coordinate with Mr. Palladino when they are having events. They are expected to either use the music that he already has on site or provide their own music inside. There could be events in both the barn and inside the brewhouse, but it is hard to service both. Typically, when people have events in the barn they are given the entire use of the back. Mr. Palladino can use it for storage during the off-season.

J. Sutphen noted that the Site Plan shows 370 spaces and according to the engineer, this translates to 578 people. There was discussion regarding designating a maximum capacity. Mr. Palladino advertises 140 for the Barn and typically 35-40 for the smaller pavilion; he is agreeable to K. Coursen's proposal. The Board intends to utilize the Code's determination of 85 on the View Pavilion and 340 at the Barn. Special Events will be discussed separately. It was discussed that the use of the additional Pavilion will be overflow parties/private parties.

K. Coursen asked for confirmation of hours of operation and days. Mr. Palladino has closed at 9:00 pm all this summer due to having a smaller workforce. Last summer, he did close at 10:00 pm during peak summer months. He tries to make sure the music does not go past 9:00 pm. This summer the hours that he had in place for music were horrible hours for summer because he does not get enough shade there during those hours. He was trying to find ways to not be impactful on the neighbors. He stopped having big bands and kept it to more singles or duos.

K. Coursen wondered what the hours would be listed as if he looked at the website. Discussion continued about hours of operation. It was noted that on Wednesdays and Thursdays, the bar opens at 4:00 pm, the kitchen at 5:00 pm and the restaurant closes at 9:00 pm. On Friday and Saturday they open at 11:00 am; Sunday opening is 10:00 am and they close at 8:00 pm. Mr. Palladino would at least like the option to stay open until 10:00 pm; and would like to be trusted to find the right mix of what will work.

Discussion regarding music and band volumes ensued. The applicant noted that they have been checking the band's volumes daily and have not come close to 70 decibels with their readers at the property line. D. Bargabos asked as to what the decibel readings have been. Nick Palladino advised that he visited all the problem spots for two bands. He got a reading at 38 to 44 at all locations at the property lines. D. Bargabos asked if any readings were done right at the facility.

The response was that the reading directly in front of the stage was not even at 70; Ann Christmas noted that it was in the low 60's.

J. Sutphen wanted to discuss the music etc., as it is not always the decibels that pose an issue. When there is bass music there is a different feel. The Board is not questioning the measurements. C. Fahrenkrug asked if they know what the baseline decibel level of the facility is, as it sounds like the numbers that he is getting are lower than the numbers of things that are measured on a daily basis. K. Coursen noted that decibels are studied over a 24-hour period. 70 dB is based on a time-weighted average. J. Sutphen noted that the readings they are taking are at a moment in time.

J. Sutphen said that the Board needs to discuss what the reasonable expectations are surrounding all of the different types of music that are offered at the facility. Mr. Palladino asked that any parameters apply to all of the businesses in town; he requests to be on a level-playing field as everyone else. It was noted that this is the FBO district and there are very different rules that apply here than might apply in a different zone that allows restaurant.

C. Fahrenkrug said that sound can be very directional. It is impossible to determine the sound levels at every single location impacted. If there is one location who has a noise issue who just happens to be in a place where the sound is focused, then the issue should be mitigated so that it is not a problem for anyone.

J. Sutphen reported that there is a need for "acoustic" to be defined as that is a term that was utilized in prior approvals. Is there a difference between live music and a DJ music etc.? Mr. Palladino noted that he does have speakers playing ambient music throughout the facility, and wants that noted so there are no issues with it in the future. he stated that the ambient music would still fall under the accepted dB levels. He would ask to be allowed for the music to be allowed to be played to match the hours of the facility. He was doing the music 6:00 pm to 9:00, but due to this process he has taken that out.

Chairperson Smith asked if there could be a general time for music on Friday and Saturday so that the neighbors could always count on a certain time.

K. Coursen asked where the speakers that play the ambient music are located. The response was that they are located in the restaurant, in the patio, and there are a couple outdoor speakers on the edge of the patio. If there is a band playing, they are shut off. Last year the outdoor music went straight through October.

J. Sutphen pointed out that the Board has heard from neighbors. She requested the Board to consider that when business is booming every day from 12:00 pm to 9:00 pm, is this acceptable in the Farm Business Overlay, taking into account the neighbors?

Chairperson Smith asked if it would it be acceptable to say that music would only occur for 3 hours a day total. Most acts seem to be only 3 hours anyways. Mr. Palladino feels it is reasonable to say the music will be played for a 3 hour block per day, and no later than closing

time (9 pm Thursday and Friday, and Sunday 8pm) D. Bargabos confirmed that when we talk about 3 hours, it is a contiguous block. K. Coursen confirmed that there would not be barn music and bandstand music at the same time.

Chairperson Smith decided that although this was not a public hearing, many members of the public were present and the Board would briefly open a question/comment period on music and music only. Members of the Public were to address the Board only. The Board is looking for genuine concerned comments, or praise. Speakers will need to state their name/address.

**Jim Gosier-7262 Pratts Falls Road**-Nick Palladino was out measuring the sound levels yesterday. He and Lisa Miles were standing there when he drove by on the 4-wheeler. It was about 6:05 pm, after the band had stopped. The ambient music went on until about 9:00 pm last night, and they could hear it very clearly on their deck. As far as the band on Saturday's, this past weekend the decibel level was 74 on their deck, which is 2100 ft. from the Bandstand. The bottom line is that the music comes to their property at an excessive noise level every weekend. They only get 13 or 14 summer weekends per summer, and moved to Pompey to get away from noise. He does not get to enjoy his property or patio. He has to listen to music that he has not asked for nor likes. Mr. Palladino has the right to play music, but not the right to make him listen to it. He used a phone app to measure the dB level.

**Dan McClung-2985 Michael Avenue**-Mr. McClung asked what meter was used to measure the sound. An audio engineer suggested he use a calibrated 80 decibels on his deck last summer, he has gotten readings of over 70 this year. If he takes the instrument out during the day, he is getting the 35-40 dB readings.

Nick Palladino wanted it noted that he did not go out on his 4-wheeler on Pratts Falls Road to check anything last night. He was not doing that last night at all, he was not there.

**Len Whittaken-3252 Henneberry Rd**-Mr. Whittaken is the music director at Heritage Hill. He is not sure how these people can hear the music so clearly being that the speakers are pointed the other way. There are times that he has noticed that the ambient music was a little loud, so he went inside to change it. This is a new system; it has to be changed inside with a laptop. He is a neighbor as well. Heritage Hill cannot compete with Meyers Creek, other breweries or wineries by not having music outside on a summer day. He has either cancelled or not pursued any bookings which include "Rock" music with bass, electric guitars etc.

**Lisa Miles 7262 Pratts Falls Road**-Ms. Miles wanted to make note that what they are complaining about is the volume. Not the hours-they can look online and see when the music will be playing. The volume was not a problem until a few years ago. She believes that Mr. Palladino put in a new sound system a few years ago. Maybe the direction that the speakers are pointing. Something in the past couple of years that has changed. She has a recording on her phone that she took yesterday while sitting on her deck. She sent the recording to the Town Board. She asked that someone please address our concerns over the level of noise, it is not the hours. It is loud enough for her to sing along on our deck every time there is a band or duo. J.

Sutphen asked if that is regarding the bandstand or on the bar, Ms. Miles is not sure. Chairperson Smith asked when the Bose system went in; it went in this summer. There is a soundboard coming for it, but now it is on someone's laptop. They have moved their stage several times to be accommodating. Chairperson Smith asked specifically what has changed. Mr. Palladino maintained that nothing has changed. Mr. Whittaken confirmed that there has never been a sound system at Heritage Hill – each band that plays is responsible for their own sound system. Chairperson Smith asked if it is possible that some of the other structures were helping to shield the noise. C. Fahrenkrug opined that it may be that the speaker that he is using is more directional or more Omni directional than the previous one; the artists bring their own equipment so that is not likely the cause. The direction of the wind is going to have a lot to do with this. Mr. Palladino used the decibel reading because they heard that was included in the Mapstone approval. He is trying to make the business succeed while balancing everything around it. Development is going to come to Pompey no matter what. He does not know what else to do—they are monitoring the noise but he cannot guarantee that someone is not going to hear someone.

It was discussed that if the Board sets a reasonable level, then Codes is going to have to enforce it. What is reasonable is usually measured at the property line.

C. Fahrenkrug noted that if there was not a problem at one time and now there is, it sounds that it would be likely that the cause can be found and be mitigated. There are ways to deal with this type of issue. It may be something that may not affect the ambience at all.

R. Smith noted that Mr. Palladino stated they do not have any sound equipment of their own, but they bring it in. Therefore, you do not know what you are going to get. That is Mr. Whittaken's job, and bands are given explicit instructions on what they can bring. His ultimate goal is to get the music pumped throughout the grounds. Another alternative would be to in front of the barn and build something to shield the noise. He will look at it. He asks for the opportunity to do that.

K. Coursen asked whether the decibel level loud enough to cause damage—that is the issue and J. Shaheen responded that the nuisance to the neighbors should be a factor.

C. Fahrenkrug noted that the level at which it is harmful is 85 dB. 70 dB is quite a bit lower than that. Based on this discussion, 70 dB is probably too high at the perimeter of the property. To mitigate the noise you can use sound deadening. There are ways to mitigate the sound.

J. Sutphen requested to view the survey with the Bandstand labeled so it could be ascertained where it is. Mr. Palladino and J. Sutphen reviewed the survey.

Chairperson Smith ended the comment period at 8:23 pm. Resident JoAnne Hoefler expressed that the Board could not end comments.

J. Sutphen noted that the main map is in the hands of the Codes Officer who is not here, so the locations of everything shown on the map will need to be verified.

Chairperson Smith said that there seems to be a discussion between the Board Members that 65 decibels would be appropriate. Mr. Palladino will work with Mr. Whittaken to see if there is anything they can do to further mitigate the noise. He is agreeable to 65 dB.

Resident JoAnne Hoefler again asked to add one comment, Chairperson Smith denied the request.

K. Coursen and C. Fahrenkrug agree that 65 dB would be appropriate; J. Shaheen would personally like to see 60 dB.

Chairperson Smith confirmed that if there is music inside the barn that the doors cannot be closed. Mr. Palladino will close them if he can, but cannot guarantee that he can close them, as it is part of the ambience.

The Board agrees that the decibel reading is 65 at the property lines.

J. Sutphen confirmed for purposes of the proposed resolution, that the hours for music would be no later than 9:00 pm, and no longer than 3-hour blocks per day. J. Shaheen asked for the days. Mr. Palladino stated that he typically only does the weekend, but does not want to limit himself to only the weekends. He in good faith would like to go with the decibel readings and see if he can make some changes to mitigate the noise without limiting the days.

Resident JoAnn Hoefler asked from the audience if professionals should make this determination.

The Hours of Operation were again reviewed as follows: M 12-10, T 12-10, W 12-10, Th 12-10, Fr 12-10, Saturday 9-10, Sunday 10-8. The Brewhouse is available to be rented on Monday and Tuesday, and on holidays, they will open during the day. Cars and Coffee is Saturday morning. A big focus has been Syracuse and Buffalo Bills. If there is a game that goes later, Mr. Palladino requested the flexibility to remain open later on those occasions. New Year's or another holiday would be another exception.

Special events were reviewed. The Empire Farm Days is encouraged and sanctioned by NYS and the Town of Pompey; there is also Brightvibes festival and an Anniversary Party in the fall. Even with those events, those hours will remain the same. J. Sutphen confirmed that it is intended that a "special event" means any event that will include over 370 vehicles. Chairperson Smith asked that moving forward; the Town asks that he come to Planning Board before Farm Days with an amended site plan with parameters. If it goes well, the following years could be handled administratively. If it is a big event, the Board meets monthly and he can come in well in advance. Mr. Palladino should also come in ahead of time before the next Brightvibes and Anniversary Party.

J. Sutphen noted that the Town Engineer did note in his report that the Board could consider a level more conservative than 70 dB for outdoor music.



R. Smith felt that the most important issue was the septic not passing. Mr. Palladino confirmed it was passed last week and will be going live on 9/11/23.

The manufacturer of the outside coolers has documented their noise levels to be 50 dB. Mr. Palladino is unsure of who the manufacture is, but he will get this information to the Board.

Chairperson Smith noted that this whole process has been very lengthy and involved; there has been lots of information coming in and out. At this point, the Board is in a position to review the SEQR.

A five-minute break commenced at 8:48 pm; the Meeting was called back into order at 8:52 pm.

Chairperson Smith confirmed that all Board Members have been provided a packet with a proposed resolution for SEQRA and Site Plan and all members noted that they have received a draft in advance have all have had time to review it.

**The following proposed motion was read into the record by Chairperson Smith for a motion on SEQRA:**

#### **SEQRA**

**This Action is an Unlisted action under SEQRA. The Premises as referred to herein shall mean the Part of the property at 3149 Sweet Road in the Town of Pompey (the “Premises”) which is delineated and shown on the Site Plan dated April 26, 2023 as submitted by Applicant, and referred to herein as the “Approval Parcel”. The Approval Parcel is part of all of Tax map number 018.04-15.4 (approx. 2.37 acre parcel) and part of Tax map parcel 018.-04-15.1; part of a 117 +/- acre Farm parcel in the Town of Pompey. The Action does not fall into any of thresholds of a Type 1 Action under SEQRA and is also not a Type II action. Specifically, the uses set forth below are Permitted Uses in the Farm Business Overlay District – Section 165-9.1 of the Town of Pompey Zoning Code (“FBO”), and Farm District of the Town .**

The Application to the Planning Board is dated 1/17/2023 , and the Short Form EAF is dated by the applicant 4/1/2023 and revised as delivered to the Town 6/15/2023. The Uses on the Approval Parcel will occur in the buildings as shown on the Site Plan (last dated April 26, 2023 and containing 14 sheets, and prepared by Patrick Leahy (the “Site Plan Package”) and are confirmed to be permitted with the site plan approval herein as:

- 1) “Accessory Uses” pursuant to pursuant to Section 165-9.1 of the Code and/or
- 2) a use permitted in the FBO.

Accessory Uses in the FBO broadly permits certain delineated uses, “but not limited to” those delineated. Additionally, the underlying zoning district in which this Premises is situate is “Farm”, which delineated use under the Code allows the “use of land for agricultural purposes,

including the commercial production of ...livestock products”. The Palladino Farm is a working farm which continues to raise livestock. Accordingly, the proposed meat processing facility (“the Action”) is an agricultural use and is further allowable under the broad definition of uses in the FBO District. With the exception of the meat processing facility, all of the uses have already been occurring on the premises and, from a practical standpoint, the environmental impacts are already understood and are deemed to be insignificant, except as set forth below. Any impact that is considered more than insignificant has been spelled out and a condition to mitigate the impact is set forth in the “findings and conditions” section below. Therefore, the SEQRA determination related to this applicant does not only review the Action, but also its interplay with the uses already taking place on the premises, including those which have previously received Site Plan approvals.

This Board has reviewed the EAF presented by Applicant with its application and has identified areas requiring further review and scrutiny as relates to the overall site, the Site Plan Package as presented and the uses thereon and the Board has determined that the following require further scrutiny in the environmental review process:

- 1. Water Supply**
- 2. Wastewater**
- 3. Traffic and Parking**
- 4. Site Lighting**
- 5. Noise**
- 6. Stormwater**

At its various public meetings, including the Public Hearing of May 15, 2023, the Board has heard the public with respect to the above matters and the public has submitted letters and documents in support of their positions with respect to each of the above matters, and all have been reviewed and are a part of the record, and have been considered by the Planning Board and are incorporated into this Resolution. Beginning in 2017, the Applicant has been operating, in various capacities, multiple uses on the Premises including a: Brewery, Tasting Room, Café and shop, Music, special event venue. Accordingly, the Board is very familiar with the Property, the Approval Parcel and the uses and the findings and determinations herein are also informed by that first-hand knowledge. Various documents from the Onondaga County Health Department have been reviewed by this Board and are part of the record and the Town Highway Department has also been consulted with respect to traffic and parking matters, all of which are incorporated into this Resolution. The Applicant has also submitted information relating to these matters and they have been thoroughly heard and discussed at the various public meetings, and this information further serves as a basis for the determinations set forth in this Resolution. The letter of John Dunkle, Town Engineer dated August 18, 2023, (the “Town Engineer Letter”) addresses each of the a stated matters of environmental concern in this

Resolution and this Board adopts each of the findings and conclusions of the Town Engineer Letter and they are incorporated in these SEQRA findings. This Board having taken a hard look at all of the matters as required under SEQRA, it answers Part 2 of the SEQRA short form, based upon all of the above, are as follows:

1. ***Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?*** **Finding and Determination:** No or small impact – the uses are in conformance with the Farm and Farm Business Overlay Districts of the Town Code. Further, except for the uses related to the meat processing facility, the other uses are well understood by the Board and they have caused a small to moderate impact that will be mitigated by the “Findings and Conditions” set forth below.
2. ***Will the proposed action result in a change in the use or intensity of use of land?*** **Finding and Determination:** There will be a change in the intensity of the use of the land from the meat processing facility, but the environmental concerns about the noise, site lighting, traffic and parking, water supply and wastewater, that are set forth in the Site Plan package and supporting information, will be insignificant per the findings of the Town Engineer and adopted by this Board. Even considering the environmental matters as relates to the intensity of the use of the land, in the context of the overall Site Plan and the large size of the total Premises, and in the context of past experience for the uses of the Premises and the conditions set forth below, this Board **Finds and Determines** that environmental impact of the intensity of the use of the land is small.
3. ***Will the proposed action impair the character or quality of the existing community?*** **Finding and Determination:** With the noise, site lighting, traffic and parking being reasonably addressed, in the Application and supporting material for how the meat processing facility with interplay with the uses already existing on the Premises, and per reports of the Town Engineer, and with conditions to be imposed on the approval for the Site Plan Package, particularly with respect to mitigating the impacts on noise, music and light, the environmental impact on the character or quality of the exiting community is small.
4. ***Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?*** **Finding and Determination:** No, there are no designated CEAs in the Town of Pompey.
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?*** **Finding and Determination:** Based upon the finding in the Town Engineer Letter and the operation of the meat processing facility and its interplay with the existing uses on the Property, there will be no, or a small impact, from traffic.
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? Finding and Determination:** No, the Action will not cause a material increase in the use of energy for the Property.

7. **Will the proposed action impact existing: a. public / private water supplies? Finding and Determination:** Based upon the findings in the Town Engineer Letter, the existing public/private water supply will be sufficient to meet the needs of the Action.

**b. public / private wastewater treatment utilities? Finding and Determination:** By letter dated August 8, 2023 (the "County Letter") the Onondaga County Health Department has determined that the private wastewater environmental concerns that it has identified in the past on the Site have been sufficiently addressed by a new plan. The Planning Board hereby also adopts the recommendation in the County Letter that *No Building Permits shall be issued for any further improvements on the Site, or the proposed Meat processing facility until the modified plan for the meat facility and the Brewery wastewater as contemplated in the August 8, 2023 letter of the County Health Department is approved by the appropriate regulatory agencies and further, no Certificate of Occupancy shall be issued for the meat processing facility until the approved system is fully installed and accepted for use the appropriate regulatory agency(s).*

8. **Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? Finding and Determination:** No evidence of any important historical, archaeological, architectural or aesthetic resource will be impaired from the Action on this Site with already functioning, allowable uses.

9. **Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? Finding and Determination:** No or small adverse change from the Action to the wetlands, waterbodies, groundwater, air quality, flora and/or fauna on this on this Site with already functioning, allowable uses.

10. **Will the proposed action result in an increase in the potential for erosion, flooding or drainage problem? Finding and Determination:** No or small adverse change from the Action to potential erosion, flooding or drainage, which shall all be managed through a stormwater pollution and prevention plan or similar storm management plan.

11. **Will the proposed action create a hazard to environmental resources or human health? Finding and Determination:** Given the agricultural nature of the Action and governmental regulations related thereto, the Action will not create a hazard to environmental recourses or human health.

**Motion by Chairperson Smith, seconded by Mr. Shaheen to adopt the following:**

**In consideration of all of the findings set forth above, and all of the SEQRA questions being answered "no or small impact", this Board adopts a Negative SEQRA declaration for the project finding no significant adverse environmental impacts from the Project and hereby directs the Planning Board Clerk to file all necessary filings required under SEQRA.**

**All members, by a roll call vote, unanimously approved the within resolution and motion.**

Chairperson Smith further clarified that the decibel level of 65 dB at the perimeter of the property is for this Site Plan only. This is not town law.

J. Shaheen stated there were a couple of items that he is not in agreement with. His understanding is that music can occur every night of the week as long as it is limited to 3 hours. He wants to give Mr. Palladino flexibility, but does not think it is reasonable to allow the music to be allowed seven days a week. C. Fahrenkrug suggested three times a week. Mr. Palladino stated that he can agree to outdoor music four nights a week; J. Shaheen was agreeable. Outdoor music is allowed a maximum of four days per week, with a maximum of three hours per day.

J. Shaheen also wanted to address the number of shifts for the processing facility. He would be okay with approving one, see how it goes, and if there is a need Mr. Palladino could come back to get the approval for two more. D. Barbagos asked what the negative impact of three shifts would be. J. Shaheen felt the water usage was a concern, for one. D. Bargabos noted that Mr. Palladino has more than ample water. Mr. Palladino confirmed that there would be fewer employees on site during subsequent shifts. They would pull product etc. on the weekends, but would not be manufacturing due to limitations with USDA availability. D. Bargabos felt that the issue is not going to be the water-it is going to be the septic. Mr. Palladino has more capacity for water than he will have for treating the water.

Chairperson Smith asked for clarification on the previously mentioned meat counter for sales. It was proposed that this have a separate entrance. Mr. Palladino is not exactly sure where it would be yet. He could come back before the Board when he figures that out.

**K. Coursen proposes the following resolution for Site Plan Approval:**

Based upon the SEQRA Resolution and findings and determinations approved on August 21, 2023, all of which are incorporated into this Resolution, this Board hereby approves the Site Plan Package, subject to the following Findings and Conditions. Further, any prior approvals or conditions relating to this Premises or the site or any uses thereon are superseded by this Approval Resolution to the extent that any prior approvals or conditions are in contradiction to the findings, approvals and conditions herein. The Site Plan Package approval shall further consist of any further documents referred to herein.

**Background:**

Palladino Farms, LLC requested a Site Plan Approval from this Board for property located 3149 Sweet Road, (the "Property") for the purpose of constructing a 10,000 square foot addition to its facility known as Heritage Hill for the purpose establishing a meat processing facility on the site ("the Project"). It became apparent to the Planning Board in the multiple months of reviewing the Project, that the entirety of the Approval Parcel, the existing buildings and the existing and proposed uses on the Approval Parcel also needed review to assure that the site was/is in compliance with all municipal codes and regulations. The first approval of uses of this site in accordance with 165-9.1 of the Zoning Code of the Town (Farm Business Overlay ) was in

March of 2017 and the most recent site plan approval was in January 2019, all of which approvals are part of the records of the Town, and incorporated herein.

The Covid pandemic and its restraints and requirements as well as other circumstances may have resulted in activities upon the Approval Parcel without Town Review. The application before the Board and this Resolution, therefore, takes into account all of these circumstances for all of the entire Approval Parcel, and is intended to approve a plan that is comprehensive and final including all allowable uses on the site and applicable conditions to the uses thereon.

**Findings and Conditions:**

1. This property is located in the Farm District (F) Zoning District of the Town. Further, the property is located in the Farm Business Overlay Zone District pursuant to Section 165-9.1 of the Town Zoning Code. (“FBO”) The requirements of said zoning classifications are applicable to this Project. This Board further takes note of the Agriculture and Markets Law of the State of New York, which intends, through Agri-tourism to promote the viability of farm operations and preserve the land base, and which informed the FBO zoning district and this Board when considering and adopting this Resolution.
2. This Board has issued a negative SEQRA declaration for the Project with the findings as set forth therein and same are incorporated by reference herein.
3. The use of the Property for uses within the Farm Business Overlay Zone are subject to reasonable conditions imposed by this Board in order to assure the Findings and Purpose of 165-9.1 of the Town Code are fulfilled and further all provisions of Section 164-44 – Site Plan review must be fulfilled. Section 165-9.1 further permits this Board to determine appropriate signage, parking, hour of operation, noise, lighting, etc. for all permitted accessory uses. This Resolution takes into account all such matters, within its reasonable discretion.
4. This Board held a Public Hearing on May 15, 2023. The Board also heard from the public over several meetings and continued to receive written comments and letters from the public, all of which have been considered by this Board and which are part of the public record on this matter.
5. This Board has reviewed and considered the OCPB Referral of April 26, 2023 which proposed three modifications. This Board accepts modifications 2 and 3 therein and finds them reasonably met in this approval. As to modification number 1 relating to the sewage system on the premises, this Board accepts the letter of Jeffrey A. Till, dated August 8, 2023, which updated the April 26<sup>th</sup> modification to approve the 2000 gallon holding tank as set forth on approved plans. The condition of that letter is that the Town “shall not issue a Certificate of Occupancy until notified that the construction of the full plumbing system has been inspected and approved”. That condition is accepted as part of this resolution and the letter of August 8, 2023 incorporated by reference herein. and further, *No Building Permits shall be issued for any further improvements on the Site, or*

*the proposed Meat processing facility until the modified plan for the meat facility and the Brewery wastewater as contemplated in the August 8, 2023 letter of the County Health Department is approved by the appropriate regulatory agencies and further, no Certificate of Occupancy shall be issued for the meat processing facility until the approved system is full installed and accepted for use by the appropriate regulatory agency(s).*

6. This Board notes that Applicant cooperated with this Board in providing revised Site Plan Package drawings to address specific Board concerns and questions and also to carefully locate and delineate all structures and uses on the Approval Parcel.
7. All Buildings and improvements on the site are approved as appropriate for the property and in conformance with the spirit and intent of the Section 165-91.1 of the Code as set forth in a - herein and provided same are utilized as set forth herein and further in accordance with any conditions of this Resolution:
  - a. The Brewery is located in the re-built Barn/Barnhouse which is per the Floor plans A-3 dated 06/2017. The capacity of this space is: 30 people. It is understood that the General Public does not have access to this space and is strictly for brewing purposes. No other use or occupancy is permitted in this part of the Brewery without further site plan approval.
  - b. The Tasting room which doubles as a food service/restaurant use, per plan dated 06/2017. The inside dining area has a capacity of 98 people.
  - c. The Kitchen which is part of the tasting room/restaurant as per the plan of 06/2017 was previously approved and such approval is hereby ratified.
  - d. The Porch and the Deck which are attached accessory to the Brewery Building and is intended to and as a condition of this approval shall serve uses allowed in the Brewery Building only. The capacity of the porch and deck is 60 people.

Each of the above uses named at a-d hereinabove, being the “Brewery Facility” have been determined by the Codes Enforcement Officer to have the capacity of 188 people. As a condition of this approval Resolution the total capacity for the Public for the Brewery Facility shall not exceed 188 at any one time and the applicant is prohibited from advertising capacities as otherwise.

- e. The 1845 Room in the attached house. This has been recently operating as a café and shop with a capacity of 40 people per the Codes Enforcement Officer and no food preparation is permitted in this facility as a condition of this approval.
- f. The deck around the 1845 Room with a capacity of 94 people.

- g. The existing Pavilion, which is known as the View Pavilion, with a capacity of 85 people is approved for the following purpose: overflow seating from the Barn events.
  - h. The Additional Pavilion with a capacity of 342 is approved for the following purpose: overflow seating and private parties.
  - i. The Existing Barn which is an event center with a deck has a capacity of 172. The Existing Barn is approved for single gathering events such as weddings, parties, bridal showers, graduations and similar events.
- 8. The capacity of parking on this Site as shown on the Site Plan Package is 370 spaces. Parking on the Approval Site which may or does exceed that amount will require further review, including a Site Plan amendment and SEQRA review and is therefore not approved, subject to further conditions regarding Special Events as set forth below. The limitation of parking is in conformance with the reasonable requirements of Site Plan review and Section 165-9.1 in order assure that the uses are compatible with surrounding neighborhood and uses.
- 9. The meat processing facility proposed is approved as being in conformance with use permitted in Farm District, and in as much as same is further utilized in association with the uses per the Farm Business Overlay Zone District being a replacement of the Quonset hut farm building on the site. This Board's reasonable conditions to this use are as follows:
  - a. All waste must be collected in appropriate receptacles and disposed of off-site in accordance with all applicable laws and regulations.
  - b. There shall be no public access to the meat processing facility.
  - c. No slaughter of animals shall be permitted in connection with this use and the facility shall in no event be a "slaughterhouse" as defined in the Town Code.
  - d. Air emissions shall be in accordance with the Uniform Building Code and will be further regulated in accordance with the Building Permit and shall comply with all applicable regulations.
  - e. Compressor noise must be minimized at all times and be no greater than 55 dbl at the property line.

**Further Conditions:**

- 1. This Board hereby makes a condition of this approval that the maximum parking capacity permitted by this approval for all approved uses is 370. This Board understands that if all buildings and uses are utilized on the Approval Parcel, the property can accommodate in excess of 578 people (which is the maximum capacity for 370 vehicle spaces). However, it is not reasonable to presume that such excess



capacity will be the normal capacity and use for Property, and it has rarely been the case in the past on this site, except in the case of Special Events. Accordingly, and as a further condition, the maximum parking capacity may be exceeded in the event of a "Special Event". "Special Event" for purposes of this approval shall mean any event or combined events that are reasonably expected to exceed 370 vehicles on the site at one time. Approval for any Special Event must be reviewed with a specific Supplemental Site Plan prepared by the Applicant and submitted to this Board in advance of the Special Event. This Board may issue reasonable conditions to the Supplement Site Plan for Special Events, to ensure the health, welfare and safety of the public. The Board recognizes that there is room for "overflow parking" on the Property and traffic pattern changes not otherwise shown on the Site Plan which will be considered as part of any Supplemental Site Plan review for Special Events, not otherwise shown on the Site Plan Package. An example of a Special Event would be Empire State Farm Days which have been encouraged and sanctioned by the State of New York and the Town of Pompey. It is expected that there will be no more than 3 Special Events per year on the Approval Site. After the first of any singular event, if the exact same event is proposed in subsequent years, the Planning Board may, in its reasonable discretion, not require Site Plan Review, but may refer the request for the event to the Code Enforcement Officer for Administrative Review and Permit.

2. To assure reasonable compatibility with surrounding residential and agricultural uses, the following additional conditions are imposed:
  - a. Music on the Approval Site will be regulated in the following manner:
    - i. Outdoor Music may occur on the Approval Site only 1) on the Bandstand as shown on the Site Plan Package, which may be live music only and may occur a maximum of 4 days per week, in one single 3 hour block of time per day; all music to cease by 9pm
    - ii. Ambient music may occur on the site from a computer generated sound system only during the Operating hours of the business as further set forth herein.
    - iii. The level of music from any source on the Premises may not exceed 65 dbl at the property line.
  - b. The Hours of operation of all uses approved herein, with the exception of the meat processing, is limited to the hours of 9:00 am – 10:00 pm.
  - c. All exterior lights on the property must be retrofit to be dark sky compliant.

- d. The erosion and sediment control plan for the construction of the meat processing facility will be part of the Building Permit and must be complied with.
3. The applicant must at all times comply with the restrictions of the New York Agricultural Land Trust which restricts activities and uses on the Property outside of the Approval Area, and no activities or uses herein approved are permitted or approved to take place outside of the Approval Area.
4. Fireworks displays shall be permitted only by permit obtained from the Town Board pursuant to State Law and in compliance with any conditions made by the Codes Office.
5. The applicant must provide a lot line adjustment map to the Town of Pompey Codes Office to combine separate tax parcels so that all improvements and uses herein appear on one map. The map is to be filed in the Onondaga County Clerk's Office in accordance with the rules of Onondaga County for subdivisions and copy of the filed map must be provided to the Town Codes Office.
6. No Building Permits shall be issued for any further improvements on the Site, or the proposed Meat processing facility until the modified plan for the meat facility and the Brewery wastewater as contemplated in the August 8, 2023 letter of the County Health Department is approved by the appropriate regulatory agencies and further, no Certificate of Occupancy shall be issued for the meat processing facility until the approved system is full installed and accepted for use the appropriate regulatory agency(s).
7. Applicant must cooperate with the Town Codes Enforcement Officer to assure that all Certificates of Occupancy and/or Compliance previously issued reflect the uses, capacities and conditions set forth herein, and that any further Certificates of Occupancy or Compliance required by the Codes Officer are obtained.
8. Location of all buildings and improvements on the Approval Parcel shall be confirmed on Large-scale Final Site map, appropriately labeled. Said map to signed by a licensed professional engineer or architect and dated. This document will become part of the Site Plan Package. This shall occur within 30 days of this approval.
9. This approval is made with the further condition that this approval is for plans and other submitted documents "Site Plan Documents" that have been signed by the Planning Board Chairperson and the applicant and requires that all of the work shown be completed by the applicant in order for a Certificate of Occupancy or Compliance to be issued. Any proposed changes, additions or deletions to the scope of work or materials from the Site Plan documents are NOT approved and are subject to further Site Plan Review the Town of Pompey Code.

Motion for adoption of the resolution by Mr. Coursen second by Mr. Shaheen at 9:41 pm; all members voted in favor by roll call vote.

The final set of documents has to be approved and signed by Chairperson Smith and Mr. Palladino.

The resolution has passed 7-0. Chairperson Smith wished to thank all for the input and patience. The Board appreciates people coming to the meetings, appreciates their input and time. We all live in Pompey we want to make it great. We all need to do the best we can, and be the best people we can. Chairperson Smith thanks the Board, J. Sutphen, J. Dunkle and T. Bearup.

Chairperson made a motion to adjourn the meeting at 9:43 pm. K. Coursen seconded the motion at 9:43 pm; the meeting was adjourned.

Respectfully Submitted,

Sarah LoGiudice  
Secretary to the Planning Board  
Town of Pompey