

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

December 19, 2022

6:30 PM

Pompey Town Hall

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

Seven members of the Planning Board were present. Also present were Attorney Jamie Sutphen, Town of Pompey Codes Enforcement Officer Tim Bearup, Town Supervisor Renee Rotondo and Town Engineer John Dunkle.

The meeting was livestreamed.

Chairperson Smith called the meeting to order at 6:31 pm.

The Planning Board had no formal meeting last month; but did convene on 11/21/2022 to discuss the proposed revisions to the Town Code re: Home Occupations. Chairperson Smith made a motion to accept the meeting minutes from the 11/21/2022 meeting. Board Member C. Fahrenkrug seconds the motion. All are in favor; the motion passes.

Hutton-Strozik West Subdivision Application:

Preliminary Review of an application for subdivision of land located at 2628 Pompey Hollow Road (Tax Map No. 025.-03-08.3).

There were no representatives present to discuss the matter. Engineer J. Dunkle has large copies of the maps needed for approval. Code Enforcement Officer T. Bearup will contact the applicants for the next meeting.

Tomlin Subdivision; Kevin and Maria Stimson Application:
**Preliminary Review and Public Hearing for an application for subdivision of land located at
1851 Pompey Center Road (Tax Map No. 031.-02-13.1.)**

Application Review:

An Administrative Oversight was made on the Town's behalf. The public hearing on the matter was incorrectly advertised and notice was provided to all neighbors within 1000 ft. Continuation of the Public Hearing may be necessary.

Present are the applicants, Kevin and Marie Stimson, the current landowner, Robin Tomlin, and the applicants attorney, Josh Werbeck of Bousquet Holstein PLLC.

The applicant wishes to purchase a subdivided lot for the purposes of a single-family residence. The division line will run east to West.

The members of the Planning Board review the maps of the project. Chairperson Smith notes that one border of Lot 2B is on the Town of Fabius line. Counsel has advised that the Planning Board does not need to consult the Town of Fabius on this matter. The matter did not need to be reviewed by the Onondaga County Planning Board (OCPB.)

Per the maps, Lot 1 is a pre-existing lot that will be modified; the applicant has already modified the map to show the subdivision. The house and barn on the existing property were labeled as Lot 1-R. R. Tomlin confirms that she previously subdivided the original Lot approximately 10 years ago. The Planning Board is not charged with looking at what is currently labeled as Lot 1; the lots in question are Lot 2a and Lot 2b.

The applicant has already had informal conversations with the County re: the driveways; they provide copies of the email exchange. The County has confirmed that both of the driveways should be permitted as proposed.

All parties did not sign the submitted paperwork; both the landowner and the applicant provide their signatures.

Chairperson Smith notes that neither Lot 2a nor Lot 2b are currently designated as residential building lots. There is a small stream present in the lower lot, so wetlands are present. The proposed line change does not impact the wetlands.

Engineer J. Dunkle notes that an environmental review suggests that this may be an architecturally sensitive area. Architectural considerations will come into play when there is a Site Plan proposed for approval; no consideration is needed for subdivision.

Board Member K. Coursen inquires about a letter of intent for sale. The applicant confirms that there is a contract for purchase in place.

Chairperson Smith reviews the State Environmental Quality Review Act (SEQR) form. After moving through the 11 questions on the form as a group, Chairperson Smith makes a motion for a negative SEQR declaration. Board Member K. Coursen seconds the motion; all are in favor. The motion is carried at 6:50 pm.

Public Hearing:

Chairperson Smith makes a motion to- open the Public Hearing at 6:51 pm. Board Member J. Shaheen seconds the motion.

Robin Tomlin, owner of land to be subdivided

-Ms. Tomlin introduces Dr. Stimson and his wife and reports that she believes they will be wonderful additions to the community.

Codes Enforcement Officer T. Bearup confirms that he has no concerns related to the project.

The Planning Board can act on the application tonight. Chairperson Smith makes a motion to close the Public Hearing at 6:52 pm. Board Member K. Coursen seconds the motion; all are in favor. The Public Hearing is closed at 6:52 pm.

Decision:

Board Member K. Coursen makes a motion to approve the subdivision as presented on the map dated 11/17/2022 by D.W. Hannig L.S, P.C. Chairperson Smith seconds the motion. All are in favor; the motion is passed at 6:53 pm.

R. Tomlin signs copies of the referenced maps.

Mapstone Site Plan Review:

Preliminary Review of Site Plan submitted for project located at 3191 Pompey Center Road (Tax Map No. 016.-02-02.0).

Chairperson Smith recuses herself at 6:56 pm and Board Member K. Coursen chairs for this agenda item.

Application Review:

Certified letters were mailed to all neighbors within 1000 ft., but the Town did not advertise the matter for Public Hearing. Tonight is a preliminary review only. The SEQR form will be completed at next month's meeting as well.

Present are the applicants, Peter and Melissa Mapstone. They propose an event site that will be rented out to host weddings and other events.

Board Member K. Coursen inquires about the current use of the property; the applicant confirms that the event site is already set up and that to date they have hosted two family weddings.

The applicants also plan to run an Airbnb out of the remodeled home on the property. They did not bring the project to the Planning Board prior as they realized that they wanted to continue with the plan for an event location only after hosting their family weddings.

The weddings that have already been hosted on the property fit 200 guests comfortably. Parking is currently in the hayfield and the size of the parking lot can be adjusted as needed.

Board Member K. Coursen notes that the intersection closest to the property has been hazardous in the past. The applicants have considered this, and will be directing traffic away from that intersection.

Board Member J. Shaheen inquires whether the events will take place on a single day or on multiple days. As the house will be rented along with the wedding venue, the bridal party can stay at the house prior to and after the event, but most likely the events will be held on a single day.

There are no bathroom facilities located on the property. Self-contained rental units will be utilized during an event. The barn is not heated, so events will need to be held seasonally as weather permits. Events will need to be catered as there is no food on site.

Currently they are relying on solar for lighting. If this becomes an issue they will implement a permanent solution for lighting.

Board Member C. Fahrenkrug inquires about the year round usage of the property. Currently the house is available to be rented year round.

Board Member K. Coursen inquires about long term plans for heating/insulation. Right now there are no plans for this, but if demand calls for it, it may be a possibility in the future.

Board Member K. Coursen and Attorney J. Sutphen discuss the driveway. Right now the driveway is a farm driveway. J. Sutphen confirms that any plan for parking should be part of the Site Plan arrangement to ensure safety, as the property is now a place of public accommodation. The Site Plan should also include a provision about the start/end time of events.

Board Member D. Bargabos inquires whether the barn needs to be brought to Code. Code Enforcement Officer T. Bearup confirms that to date there has been no inspection; there should be a permit issued for occupancy. Attorney J. Sutphen confirms that Codes should perform an inspection as a condition of Site Plan approval. As occupancy will dictate the need for parking, it may be prudent for occupancy to be determined first.

There are currently no provisions related to Airbnb's. The inspection would include the home for occupancy purposes as well. The home is fully heated. Board Member K. Coursen compliments the applicant on the work done so far.

Code Enforcement Officer T. Bearup inquires if AirBnb's are allowed in the farm district. The property will be approved as a wedding venue.

Board Member K. Coursen confirms that Codes should inspect the property before any Public Hearing occurs. T. Bearup will set this up with the applicant. The applicant requests that this be done soon, as clients want to book the property.

Board Member D. Bargabos inquires about signage and lighting; we want to be sure that it is safe for people to get in and out. Lighting will be used just during events. Handicap access will be covered during the inspection. The Site Plan should show the revised access for driveways; including the width, materials etc. The designated parking area and all three driveways should be clearly delineated on the map. Engineer J. Dunkle confirms that we will need a letter from DOT re: site distance; they look at farm drives differently than public access.

Board Member J. Shaheen inquires about the number of bedrooms in the home. There are five.

This matter does need to be referred to the OCPB. All of the application materials have already been sent to the County. They next meet on 1/11/2023 and we will have their input by the next Planning Board meeting.

Ceremonial music may be played outdoors, but the party music will be contained to the barn. The applicant notes that they asked their closest neighbors, the Smith's about the music during the last wedding. The Smith's reported that they could not hear it at all.

Board Member K. Coursen inquires about the hours, specifically for weddings. The two previous weddings held on the property ended around 10pm; the applicant wants to be respectful to neighbors and does not see any event going past 11:00 pm. Board Member D. Bargabos points out that the applicant can propose an end time at the next meeting.

Lighting used during an event should be downward facing. We will need cut sheets for the lights and where they will be located. The map will need to show driveways, the site itself, the parking layout, traffic circulation and the location of bathrooms. The capacity of the building will drive the maximum number of people allowed.

Both the small barn and the farm barn on the property are used for storage. The applicant hopes to improve the look of these buildings but to date there are no plans to incorporate these into the venue.

Engineer J. Dunkle wonders whether the Planning Board wants to see any landscaping. Members of the Board agree that the landscaping as it is now is an improvement.

The owner of the property is Pastureland LLC. This is a single member LLC that consists of the applicant.

The wedding venue consists of many doors, they will be noted on the Site Plan. There is a well for the barn and a well for the house. Water will need to be brought in for events. The water on the property will be used for clean up and for the rented bathrooms.

Either the applicants themselves or a family member will be overseeing events. They will have contacts with their customers for the rental of the bathrooms, the caterers etc. The applicants will be there to enforce shutdown and for clean-up purposes.

Codes Enforcement Officer T. Bearup inquires if the project meets the criteria for a Farm Business Overlay. Engineer J. Dunkle and Chairperson S. Smith have gone through the application and confirm that it does appear to meet with requirements. The applicant will continue to farm the land. As the land is actively farmed, the applicant had hoped not to have to construct a gravel driveway.

The Planning Board needs the Site Plan and Inspection results by the next Planning Board Meeting, which is 1/16/2023. The Board needs the final plan in advance.

In order to address the issue of notices already being mailed out to neighbors, the Planning Board can open the Public Hearing. Board Member J. Shaheen motions to open the Public Hearing at 7:23 pm. Board Member C. Fahrenkrug seconds the motion. Board Member K. Coursen makes a motion to adjourn the Public Hearing to 1/16/2023. Board Member J. Shaheen seconds the motion at 7:25 pm.

Engineer J. Dunkle suggests to the applicant that an operation plan be put into writing for the next meeting; they can always call with questions.

Chairperson S. Smith returns at 7:26 pm.

Seaboard Solar Operations Tier 3 Solar Application:

Concept Site Plan for a Tier 3 solar project located on Frank Long Road (Tax Map No. 010.-03-38.1).

Present are Mike Chandler, Project Manager with Seaboard Solar, Pedro Rodriguez with Seaboard Solar, Bill Anterline, Engineer from Wendel Companies and Ryan Clark with Seaboard Solar. Also present are the current landowners, George and Anita Schmit-Kyanka.

Seaboard Solar is a small corporation based out of Connecticut. They are proposing a solar project at 7000 Frank Long Road; the project will be located on a subdivided plot of land that is just shy of 70 acres. A Tier 3 system will sit on 30 acres.

Chairperson Smith explains that the Planning Board is charged with the initial review of the Site Plan to ensure that it meets the Town law on Tier 3 Solar. Seaboard will be taking land from 3 parcels, and making a new parcel in which they will be the owner. The maps provided already show the consolidation of the parcels.

Seaboard has already consulted with National Grid; they have an agreement in place.

Board Member K. Coursen asks if the applicant has considered other locations in the Town of Pompey. They have, but found that wetlands and farmlands are a problem. Not many of the other sites they looked at met their criteria.

The applicant already has approval from NYSERDA.

The property is currently wooded. Every area that will be disturbed will be hydro seeded with pollinators. Seaboard is purchasing 70 acres and will be disturbing 30 acres.

Seaboard has consulted with the Onondaga Nation, and they recommended an archaeological survey be completed. Two small arrowheads were found, so Seaboard redesigned the surveys to avoid these areas.

Board Member K. Coursen inquires about the use of local contractors. Seaboard confirms that local contractors will be used. Seaboard will contract with an EPC company who will then employ locals. The application shows that the panels will be made in China. The applicant reports that it is feasible to use Canadian parcels for a smaller project. They are open to looking at alternatives for this project.

The panels will be single access and will rotate with the sun

Board Member C. Fahrenkrug asks the applicant if they present with any previous environmental issues. They have had no previous issues.

Board Member D. Bargabos inquires whether the applicant has other projects in NYS. Currently they are working on two projects in NYS. There are no up and running operations currently in NYS.

The applicant currently has 150 mg up and running. This project is 5mg. They have been in business for 10 years and have not decommissioned any projects to date.

The panels will be single access and will rotate with the sun.

Board Member K. Coursen points out that there is minor mistake in the dollar value of the project in the application.

Board Member D. Bargabos inquires about typical objections. In Upstate NY, the objections are typically related to farmland, visibility, tax agreements and decommissioning plans. The Town Board will work with the applicant on taxes.

Board Member K. Coursen inquires on the lifespan of the panels; it is 25 years. They will remove the panels at that time, and everything that was laid down will be pulled out. Engineer J. Dunkle points out that they will work to ensure soil restoration etc.

Chairperson Smiths asks the applicant to talk more about the visual impacts of the project. There is a very thick natural buffer of trees. Board Member J. Shaheen points out that the project will be in an area where there is no scenic view shed according to the Town's Master Plan.

Board Member C. Fahrenkrug wonders how decommissioning gets paid for. Typically there is a decommissioning bond. Attorney J. Sutphen has previously worked with Towns who have asked applicants to put up cash. This decision will lie with the Town Board.

The project would tie into the Southwood Sub-Station. The solar energy then goes into the grid. As the energy would help offset usage during peak times, there is local benefit.

If Seaboard were to sell the project, they would always retain the property. Their contact information is always posted on-site at their projects. The ongoing maintenance of the property goes to local contractors. Engineer J. Dunkle notes that they will need to submit a maintenance plan.

The fact that they could hide the project was a large factor in choosing this site. You will not be able to see anything from Frank Long Road. There will be no on-site batteries; they will use "string inverters."

Everything will be excavated at one time. They will grind the stumps on site and spread out the chips. Currently present are mixed brush, non-mature trees. There are no loggable trees. There are maple and cherry trees present, but many buckthorns have moved in; Fragmite as well. There are almost 100 bee hives on the property, so the landowners are happy that pollinators will be planted. They do not want the farmland to be disturbed.

Board Member J. Shaheen inquires if there is a particular season for construction. There is not, they will start as soon as the project is ready. Obviously significant snow would delay the project.

Board Member C. Fahrenkrug wonders if any supply issues would cause the project not to happen according to plan. The applicant has never previously run into supply chain issues.

Board Member D. Bargabos inquires about storm water requirements. Solar panels are not considered pervious-there is no impact to the ground around them. Water will run off them as they tilt, and will continue in the same manner that it would have if they were not there. The access road is a pervious material as well.

Board Member K. Coursen confirms that there will be no site work in terms of regrading etc.

Attorney J. Sutphen questions if they will have access to the entire site for maintenance purposes. They have designed the site in such a way to allow for this.

Seaboard has submitted their plans to the Fire Department but have not heard anything on this from them yet.

Attorney J. Sutphen confirms that the Town Board is looking for a recommendation from the Planning Board as to whether this is a good site for a solar project. The project will then go to the Town Board for overlay, and then come back to the Planning Board.

Chairperson Smith notes that the Board Members will need to take the information provided, and go through it thoroughly prior to the next Planning Board meeting. Does the project meet the spirit of the local law or not? Board Members should come to the next meeting prepared with questions.

Board Member K. Coursen appreciates the completeness of the application, and how it was matched to the Town's existing Tier 3 requirements. It appears the applicant has answered our questions specifically within their application. Chairperson S. Smith concurs.

Attorney J. Sutphen requests that any specific questions or discussions should be funneled through herself, Chairperson S. Smith and Engineer J. Dunkle. They can facilitate back and forth discussion with the applicant.

1/16/2023 is Martin Luther King Day. The Planning Board will meet.

The Town Board will address the SEQR. The application is complete for the purposes of this meeting.

Board Member J. Shaheen notes that code will require a 500 ft. turn around for access and the Fire Department. Code Enforcement Officer T. Bearup confirms that there is a footage requirement; "T" intersections are allowed in fire code. It looks as though there is a longer distance than 500 ft. on the scale now. The applicant confirms that they can continually look and redesign the plan for future meetings as necessary.

Board Member J. Shaheen would personally like to see the setback to the fence. The normal setback is to the building and not to a fence. A fence is not considered a structure that needs a setback.

The project lies very close to the wetlands on the south side. Federal wetlands do not have a buffer. The applicant kept their distance from the wetlands as much as practical.

Engineer J. Dunkle confirms that the project will go through a thorough engineering review when the time comes. He will address many of the questions being asked by the Planning Board.

Several questions are submitted from online viewers.

Chairperson Smith notes that Board Members will take what they have and review it. They will also review the local law. This will be on our agenda for 1/16/2023.

Town Business:

Chairperson notes that the County Planning Symposium is on 3/9/2023. All Planning Board members should plan on attending.

Chairperson Smiths makes a motion to adjourn the meeting at 8:26 pm. Board Member C. Fahrenkrug seconds the motion. All are in favor, the meeting is closed.

Respectfully Submitted,

Sarah LoGiudice
Secretary of the Zoning Board of Appeals