

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

March 20, 2023

6:30 PM

Pompey Town Hall

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

Six members of the Planning Board were present. Absent was board member Roy Smith. Also present were Attorney Jamie Sutphen, Town of Pompey Codes Enforcement Officer Tim Bearup, and Town Engineer John Dunkle.

The meeting was livestreamed via Zoom.

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

No corrections needed to the minutes. Motion to accept the minutes made by Sue Smith. K. Coursen seconds the motion. The motion carries at 6:35 pm.

Mapstone Site Plan Review:

Public Hearing on site plan review project located at 3191 Pompey Center Road (Tax Map No. 016.-02-02.0).

Chairperson Smith recuses herself at 6:35 pm. K. Coursen will chair. This is a public hearing, but plans/designs have not been completed so we may need to continue. J. Sutphen confirms that the public hearing can be opened.

K. Coursen questions when the SEQR will be completed. Chairperson Smith confirms that typically the SEQR is completed prior to a Public Hearing. It is decided to wait and see what happens throughout the meeting. The board has received a SEQR document from the applicant.

K. Coursen makes a motion to open the public hearing at 6:37 pm. C. Fahrenkrug seconds the motion.

Present are the applicants, Peter and Melissa Mapstone.

Mr. and Mrs. Mapstone provide updated maps; these maps are provided to board members. J. Sutphen wonders if there is an electronic copy of the map, Mr. and Mrs. Mapstone are unsure but can inquire with the Site Planner.

K. Coursen asks that Mr. and Mrs. Mapstone give an overview of the project since there are new attendees in the audience.

Mr. and Mrs. Mapstone are creating an agro tourism attraction in addition to their existing dairy farm. They purchased the property 3 years ago; they have held their children's weddings there already. After the family weddings, Mr. and Mrs. Mapstone decided to move forward with a business. Weddings will be hosted on weekends only, as Mr. and Mrs. Mapstone work during the week as well. Mr. and Mrs. Mapstone will be on property for duration of events to manage the location. All events will be catered and the bathrooms will be rented. Liquor licenses and event insurance will be required. They may have weddings on holidays that fall on Mondays occasionally. The house will be open to be rented during the week leading up to the event. The house will be rented as an Airbnb in the off-season as well. They plan on eventually also offering farm tours etc. The venue will be advertised as a "farm stay." Events will end (loud music) by 11, events are to be completely over by midnight. Mr. and Mrs. Mapstone will remove trash from the dumpsters at the end of the weekend.

Public Hearing

Dan Palladino

- Many farmers have bought land; barns etc. and all have eventually crumbled. Every property Mr. and Mrs. Mapstone have ever owned is beautiful. Kudos to Mr. and Mrs. Mapstone; this is how farms will survive the future. Mr. Palladino loves what Mr. and Mrs. Mapstone have done with the property.

Sue Smith

- Town doesn't have sound ordinance per se, will the doors be open on the barn while the music is playing? We know from prior owners that the music does carry through the hills and valleys all throughout Pompey. Would like a definition of "loud music." Mr. and Mrs. Mapstone have done a fantastic job, it looks beautiful-they have preserved what Pompey is all about. K. Coursen confirms that music from previous owner carried through the amphitheater.
- Chairperson Smith also asks about the possibility of Mr. and Mrs. Mapstone allowing fireworks. Mr. and Mrs. Mapstone confirm that the Town has said that they are allowed to do fireworks, but they need a permit, and they can last no longer than 15 minutes. Fireworks are not something that Mr. and Mrs. Mapstone intend to do for just anyone. If a customer requested it, it would have to abide by town rules. Being a farmer, Mr. and Mrs. Mapstone understand the concern for cows and horses. Neighbors are important to them; they do not want to be bad neighbors. K. Coursen confirms that the wedding party would have to specifically ask for this.

- The reception music will be indoors, but the doors will be open for ventilation purposes. The applicant has spoken to neighbors after prior weddings; they said they could not hear music at all. The applicant could hear music from prior owner as well. The barn seems to contain the sound well. They will set time limits and keep the band indoors.

James Loomis, #4 road

- This is a great way for a farmer to utilize the land instead of subdividing etc. Maybe someday one of their children would want the house. He thinks it is a great idea, and is certain that if there were specific complaints he is positive that Mr. and Mrs. Mapstone would take care of them.

Dan Palladino

- Comment is completely unrelated to the Mapstone project. He would like the opportunity to speak on his project and is unsure how the process works. K. Coursen confirms that the public hearing is specific to the Mapstone project. Mr. Palladino's project will need to be separate.

J. Shaheen makes a motion to close the Public Hearing. C. Fahrenkrug seconds the motion. The motion carries; the Public Hearing closes at 6:50 pm.

Mr. and Mrs. Mapstone are in receipt of the Board's comments. Mr. and Mrs. Mapstone want to be clear that the house will continue to be rented even if there is not an event happening. K. Coursen confirms that this can also fall under the agro tourism under the right conditions; J. Sutphen agrees. J. Sutphen also confirms that Codes will make findings on the house as far as ADA accessibility, fire etc. It is unclear whether ADA accessibility will need to be included for public use. They used the existing structure-it would be very expensive to make these changes. J. Sutphen will research and find out more on the exact requirements related to ADA accessibility.

Mr. and Mrs. Mapstone clarify that they will not be renting the bathrooms, the clients will. J. Sutphen clarifies that Mr. and Mrs. Mapstone are responsible to ensure that this happens. Same with any caterers.

K. Coursen wonders if there is anything on the maps that need clarification; this is the first time that J. Dunkle and J. Sutphen are seeing the maps. K. Coursen asks about the lighting-lighting is now noted on the map. Mr. and Mrs. Mapstone have obtained all of the cut sheets for the lighting; they will be made part of the submission. J. Sutphen takes Mr. and Mrs. Mapstone's packet and will give to the Town Clerk to forward to everyone. All of the lighting is downward lighting except for the original lampposts.

The Board works through the maps. Mr. and Mrs. Mapstone's narrative now incorporates the Board's previous comments.

Mr. and Mrs. Mapstone provide cut sheet for their proposed sign; it is 36 by 48. Mr. and Mrs. Mapstone were not provided any requirements related to the sign. J. Dunkle notes that the

sign that is proposed is 12 square feet. The sign will have a small light shining on it from a few feet away.

J. Sutphen notes that the SEQR is required for approval. The Board will need information on the signs materials, exact size etc. The Board can make a finding on the application and come back on the sign. The Board can approve the application with the caveat that the sign be approved later. Mr. and Mrs. Mapstone note that the sign is half the size of their farm sign. Any sign can be approved as a contingency after the fact.

Mr. and Mrs. Mapstone question who will be measuring the Decibel level of the music. Code Enforcement could measure the decibels at the property line. 70 decibels should be more than sufficient. There is no noise ordinance in the Town, but this could be a requirement as part of site planning-the Planning Board can enforce requirements that are not found in the Town Code. This level has been borrowed from other towns who do have noise ordinances and is deemed acceptable.

Mr. and Mrs. Mapstone confirm that they will be open to potentially hosting weddings on holidays.

Music ends at 11, there are no issues with that from the Board. Lights out at Midnight. Fireworks only between the hours of 9:00 and 11:00 and no longer than 15 minutes.

D. Cook feels that Mr. and Mrs. Mapstone have answered all of the Board's questions.

Mr. and Mrs. Mapstone confirm that the sign will be in house driveway; there is a permanent parking sign elsewhere. The speed limit is 55 mph .K. Coursen questions if the County could place some sort of signage in the area to prevent any issues.

Nick Palladino wonders if there could be additional signage placed throughout the road. The County would need to be responsible for this. Mr. and Mrs. Mapstone could place temporary signs during events as well.

SEQR Review

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
 1. No, or small impact may occur
2. Will the proposed action result in a change in the use or intensity of use of land?
 1. a. No, or small impact may occur
3. Will the proposed action impair the character or quality of the existing community?
 - a.No, or small impact may occur
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environment Area (CEA)?
 - a. No, or small impact may occur
5. Will the proposed action result in an adverse change in the existing level of traffic affect existing infrastructure for mass transit, biking or walkway?
 - a. No, or small impact may occur

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?
 - a. No, or small impact may occur
7. Will the proposed action impact existing: a) public/private water supplies or b) public/private wastewater treatment utilities?
 - a. No, or small impact may occur
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?
 - a. No, or small impact may occur
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?
 - a. No, or small impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
 - a. No, or small impact may occur
11. Will the proposed action create a hazard to environmental resources or human health?
 - a. No, or small impact may occur

J. Shaheen makes a motion for a negative SEQR declaration at 7:13 pm. C. Fahrenkrug seconds the motion. The motion carries at 7:13 pm.

J. Dunkle suggests that a final engineering review be required, as they were just provided with the map. This would include lighting sheets. The final approval will also be subject to confirmation of any requirements for accessibility at the house-legal review of ADA. Final approval is also subject to the sign review.

K. Coursen points out that the address on the maps does not include the tax number.

C. Fahrenkrug has a question on the sound level. 70 decibels is equivalent to typical highway noise. This is above typical ambient noise level for a rural area, but would be equivalent to Route 20 at high traffic. The property behind Mr. and Mrs. Mapstone is about 2 miles away. Chairperson Smith is the closest neighbor. The music would have to be very loud to carry in such a way.

K. Coursen makes a motion to approve the Mapstone family's wedding venue tax map number/location based on the site plan dated 3/15/2023. The project number on the site plan is 220601-0 with the following findings and conditions:

Findings:

1. The use proposed is appropriate and permitted in connection in the Farm Business Overlay Zone District Overlay (Town Code section 165.-9.1); subject to Site Plan

review. This Board finds that the use proposed and outlined by the applicant mainly consisting of special event space in the existing barn on the property, is appropriate agri-tourism in connection with and supporting an existing, working farm and involves the adapted reuse of the farm building. The rental of the house in connection with the farm experience further supports the agri-tourism use.

2. The County referral found no significant county-wide impact from this project.
3. The DOT has approved the road cut set forth on the plan .

Conditions of approval:

1. There will be a property manager on site for the day of the event to oversee compliance with all guidelines and rules.
2. The renting parties will be required to use a licensed catering company. No food preparation will take place at the event. All renting parties must obtain event insurance and a personal liquor license as outlined by NYS regulations. Link here: <https://sla.ny.gov/permits-available-online>
3. Events shall be only on holidays and weekends. Music must end by 11pm. The event guests shall vacate the premises by midnight. Any event lighting to be extinguished by 12 pm.
4. Any amplified music must be to the inside of the barn structure. In no event will the music exceed the ambient noise level of the surrounding area/properties and/or the decibel level of 70 db. at the property lines.
5. Fireworks will be permitted only between the hours of 9 pm - 11 pm and can last no longer than 15 minutes and must also obtain the appropriate permit from the Town Codes office.
6. Trash from the event is to be cleaned up at the conclusion of the event and placed in the dumpster located to the north of the barn. The owners will remove the trash from the covered receptacles at the conclusion of each event weekend.
7. Renting groups must secure enough portable bathrooms to serve the total number of guests in attendance. The portable bathrooms will be parked in the driveway to the east of the barn and be temporary in nature and removed at the conclusion of the event.

8. The parking space will remain a hay field with a gravel entrance way. Handicapped signage will be designated on the day of the event and will be located close to the walkway that leads to the barn. Handicapped guests may use the driveway nearest the house to pull directly up to the barn to enter. Cars will be parked in the designated space in the hay lot parking area.
9. The house will be available to rent for the week of the event. The wedding party and/or immediate family involved in the preparation of the celebration will be given code access to monitor usage. Unregistered guests will not be allowed access to the house. The house occupancy is 14.
10. The maximum capacity of persons for an event shall be 266.

Additional conditions:

1. The applicant must return to the Planning Board for approval of signage including color, lighting, size, etc.
2. The approval is subject to final engineering and legal review.
3. Subject to determination as to whether any improvements must be made to the house subject to ADA accessibility.

J. Shaheen seconds the motion at 7:28 pm. All are in favor, none are opposed. The motion carries at 7:28 pm.

K. Coursen thanks Mr. and Mrs. Mapstone for their patience and work. The property looks great. J. Dunkle will review what Mr. and Mrs. Mapstone have submitted for the sign and provide guidance. The Board will need to vote on the sign later, but there will be no further Public Hearing necessary. J. Sutphen will need to research the ADA requirements. J. Dunkle will send an email to Mr. and Mrs. Mapstone once everything has been reviewed.

Chairperson Smith returns at 7:30 pm. The formal agenda is complete.

Chairperson Smith wishes to address two matters that were on previous agendas. The Perry application needs to go to the ZBA before the Planning Board can act on it. Hutton-Strozik is formulating a new application, maps, etc. and hopefully will be on agenda for next month.

Chairperson Smith is aware that Dan Palladino wishes to speak. The Board is aware that he is proposing changes at Heritage Hill; the Town has received a complete application and fees. The materials came in after March 1st, which was the deadline for this meeting. Now that everything is submitted, he will be on the agenda for next month.

Mr. Palladino reports that process wise all has been done-the opportunity document has been provided and the check has been cashed. To hear at 1:30 pm that the matter is not on the

agenda could make everything fall through. He feels the need to explain what is going on with the septic. There was seepage, and the County came in, so he decided to go with a bigger system. The County approved the new septic, and an engineer was paid \$10,000.00. Mr. Palladino now has a \$250,000.00 septic field sitting there, ready to go active.

The DEC is asking for the brewery waste to be shipped out; they are not in violation. Mr. Palladino will work everything out with the DEC, and understands that things were not done correctly the last time. He wants to work together with the Town on this.

Chairperson Smith notes that there are documents from the County Health Department noting some issues. Mr. Palladino had a phone call with the County and is clear on what they are expecting. Mr. Palladino submits an additional document for review.

C. Fahrenkrug points out that the DEC has been very diligent as of late. The DEC is saying that the brewery is an industrial operation, and this is the problem. A SPDES permit would be required for this operation.

The Board has all of the materials and will have any questions answered prior to the next meeting. J. Dunkle suggests that they have the parking spaces laid out. Chairperson Smith has a question about how many parking spaces are for employee's vs the public. The Employee Parking is noted on the backside. Mr. Palladino reports that the bathrooms in the barn are locked at this time.

K. Coursen confirms that all questions will go to Chairperson Smith who can then send them to Mr. Palladino prior to the next meeting.

Chairperson Smith makes a motion to adjourn the meeting at 7:45 pm. K. Coursen seconds the motion; meeting is adjourned.

Respectfully Submitted,

Sarah LoGiudice
Secretary of the Planning Board