

TOWN OF POMPEY
PLANNING BOARD MEETING
NOVEMBER 15, 2021

The Town of Pompey Planning Board meeting was held on Monday, November 15, 2021.

Chairperson Sue Smith called the meeting to order at 6:40 PM.

In attendance: Chairperson Sue Smith. Members: Roy Smith, Dan Bargabos, Carl Fahrenkrug, John Shaheen. Planning Board Attorney Jamie Sutphen. Town Engineer Steve Snell.

Absent: Kevin Coursen.

Recited the Pledge of Allegiance.

Chairperson Sue Smith made a motion to accept the minutes from the meeting dated October 18,2021. Dan Bargabos seconded the motion. All members voted in favor, and the motion carried unanimously.

AGENDA ITEM

Komar Farm 2-part subdivision. 4253 Oran Delphi Rd. Tax map #005.-01-17.0

The Town of Pompey Clerk Nikki Reed received a phone call from Arne Komar in which Mr. Komar stated he would not be able to make the meeting tonight.

Chairperson Sue Smith made a motion to open the Public Hearing. John Shaheen seconded the motion. Motion carried.

Planning Board Attorney Jamie Sutphen stated that the public hearing could continue next month.

Chairperson Sue Smith made a motion to continue the public hearing on December 20,2021 at 6:30 PM. John Shaheen seconded the motion. Motion carried unanimously.

AGENDA ITEM

Hootnick – There was no one present for the applicant.

A brief discussion ensued. Chairperson Sue Smith stated it appears Hootnick wants to give more road frontage on Watervale Rd than a previous plan showed. Dan Bargabos stated it looks to be 350 feet of road frontage.

Planning Board Attorney Jamie Sutphen stated it looks like the applicant has done what the board had requested in prior discussion.

Discussion- There was discussion about the plan, but nothing has been done at this time. Planning Board Attorney Jamie Sutphen asked if the owner of the other lot was aware of what Hootnick wants to do? Then stated that she and Chairperson Sue Smith would review this with Hootnick's counsel for clarification. The matter was tabled.

AGENDA ITEM

Tier 3 Solar Farm- Sweet Rd, Tax Map 012.-01-03.1. Three tier solar farm.

Chairperson Sue Smith reviewed what had occurred with Pivot Energy at the last meeting and explained Planning Board duties with respect to this application including that Board is to abide by the laws of the Town of Pompey. The law states we have to abide by the Town of Pompey agriculture laws and market soils for rotational farmland.

It was noted that the majority of this land is rotational farmland. Agricultural status of the land and the view shed keep coming to the forefront with renewable energy.

Chairperson Sue Smith asked the Board for an open discussion of the Board's thoughts regarding the location of the solar, the agricultural nature of the land and other relevant matters.

A summary of comments is as follows:

John Shaheen stated his opinion regarding the rotational crops vs. hay. He noted that the property is currently planted in hay and that he was under the impression that the Owner only grew hay on the parcel. The landowner confirmed that he only grows hay on the parcel. John noted that Permanent Hay land is slightly lower in the order of importance under the Ag and Markets Guidelines for Agricultural Mitigation for Solar Energy Projects.

Chairperson Sue Smith stated that this land is still considered productive farmland and applicant is growing crops; the soil is prime farmland.

Dan Bargabos questioned if the property goes fallow- does the soil change- and the response was that it stays prime (never changes).

Roy Smith stated only so much of good soils. Most soil in the Town of Pompey is productive farmland. If that is the criterion, he is not sure there is any property in the Town of Pompey that would be appropriate for solar.

John Shaheen agreed with Mr. Smith on the point and provided a short narrative regarding how the committee that prepared Pompey's solar energy law (Local Law No 1 2021) arrived at the 50% Prime Farmland, Unique Farmland or Farmland of Statewide Significance (important farmland) limitation. Based on Table 15 of the Town's Comprehensive Master Plan, approximately 50% of the Town of Pompey is Prime Farmland (including if drained). Another approximately 25% is considered Farmland of Statewide Significance for a combined total of approximately 75% of the land within the Town. Based on that, as well as the limitations of 3 phase power infrastructure in the Town, it was considered reasonable by the committee to allow Tier 3 solar on important farmland but limit it to up to 50% of the parcel's important farmland as reflected in the local law. John also noted that the 21 acres proposed for the Tier 3 solar represents less than 0.1% of the Prime Farmland in the Town of Pompey and is likely well below the 50% threshold for the parcel as allowed by Local Law No 1 2021.

Roy Smith stated he did not know if any land in the town would work. A good hedge row could be planted on Sweet Rd. It would cover it up for the most part. I do not see it as a problem.

Chairperson Sue Smith stated that view shed is the issue and clarified that view shed is from anywhere where people can see.

John Shaheen stated that the array cannot be seen from Pratts Falls Rd or NY-91. He stated that he walked the property and that the contour generally decreases as you walk away from the road to the woods. A large portion of the array would likely not be visible from Sweet Rd, and he could barely see Mary Baum's house on Sweet Rd. He believes this project is doable. Existing vegetation could be supplemented to hide it from Sweet Road and the two adjacent neighbors.

Chairperson Sue Smith read property owner DeAngelo's comments sent an email with their concerns. They do not want a solar farm in their back yard. It will reduce property value. They are concerned about absentee landlords, that no one will maintain the property. They mentioned the solar farm on NY-365 as an example. Sweet Rd is becoming commercial. The email is part of the record.

John Shaheen noted that a solar farm on NY-365 referred to in the email is not representative of what would be required by the Town Local Law No. 1. It is just fenced in and is fully visible from the road. He stated that the Pompey law requires setback and screening requirements specifically to address the appearance concerns voiced by the DeAngelo's.

Gordon Woodcock stated that applicant can make the fence look "natural" Sheep grazing is being used in CNY. It is a commonplace solution at array sites.

Planning Board Attorney Jamie Sutphen inquired as whether the sheep are brought to graze and then picked up and Mr. Woodcock explained that they would be dropped off for a few weeks then moved.

Carl Fahrenkrug inquired regarding maintenance. Gordon Woodcock indicated that regular maintenance inspections are done and if there are issues, they are fixed.

Carl Fahrenkrug inquired as to what could go wrong with the arrays.

Gordon Woodcock explained that the panels could get broken, there could be electrical shorts. Quality inspections and monitoring of the panels is done. The utility company is there also to make sure the panels are working properly.

Carl Fahrenkrug questioned whether there are any opportunities for hazardous materials such as cadmium to be leaked from the panels. Gordon Woodcock stated that most panels are made with benign materials and do not include cadmium.

Chairperson Sue Smith read the letter from Scott and Mary Baum regarding Mary's concerns regarding the solar farm, which is part of the record. These include Environmental impact, National wetlands, the Stacers home, size of the solar farm, how the water run off would affect the landscape, the angle of the solar panels, the ecosystem, the effects on Jamesville reservoir, solar panels could break. Is tree cutting environmentally friendly? What about the protection of the Indiana Bat? Or other endangered species? Will this destroy the natural habitat for the local wildlife? How will it affect the property value?

Gordon Woodcock responded that the array can be consolidated and per the DEC the panels do not impact the runoff.

Planning Board Attorney Jamie Sutphen inquired as to the zoning of the Stacer property, and it was stated to be "Farm"

Further discussion ensued regarding how far into the woods will the solar panels be and the possible location of the solar panels. There was discussion regarding Property owners' rights regarding their land and location of solar farms to one another.

Board members shared various opinions and considerations as they try to determine whether to recommend Solar for this property in light of the several priorities of the comprehensive plan of the town, the criterion of the solar regulations all as weighed against property owner's reasonable use of land.

Planning Board Attorney Jamie Sutphen stated that these comments would be reviewed, and further specific recommendation would eventually be made.

Chairperson Sue Smith stated that the ECC would give their comments to the Town Board. She inquired as to the max height of the panels.

Gordon Woodcock- 10 ft tall. 3ft between the ground to the panel. They store flat.

Planning Board Attorney Jamie Sutphen indicated that additional work sessions may be in order between meetings; recommendation to Town Board needs to be further considered.

Chairperson Sue Smith motion to adjourn, John Shaheen seconded the motion. All members voted unanimously. Motion carried. Meeting adjourned at 8:15 PM.

Respectfully submitted by,

MaryBeth Pazaras