

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

February 27, 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

Five members of the Planning Board were present. Absent were board members Roy Smith and Carl Fahrenkrug. 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.

Chairperson Smith has a few minor changes to the minutes from last month. Board Members did not get the draft minutes. K. Coursen makes motion to accept the minutes. Sue Smith seconds the motion. Motion carries at 6:37 pm.

The County Planning Symposium is March 9. The Town Clerk has registered all interested.

**Hutton-Strozik West Subdivision Application:
Public Hearing for an application for subdivision of land located at 2628 Pompey Hollow Road
(Tax Map No. 025.-03-08.3).**

Present is the applicant David Hutton. The Board does have a complete application, and the certified letters were mailed out.

The maps have changed-the lots are now named "Lot 1" and "Lot 2" per the Board's request. The shape of Lot 1 has changed; the acreage is the same. The driveways are now indicated on the maps per the request of the Board. There would need to be improvements made to the culvert in order to satisfy the highway department. Board Member K. Coursen questions if there is septic; no, there is not. There is a well located right near the driveway.

There are no questions or comments from Engineer J. Dunkle nor Attorney J. Sutphen. J. Dunkle notes that it is an architecturally sensitive area with wetlands, but as this is just a subdivision; there is really no impact from this action.

Chairperson Smith introduces the Short Environmental Assessment Form (SEQR). There are 11 questions that the board needs to answer, and there are two possible answers to these questions-no or small impact or medium to large impact.

- 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?**
 - a. No, or small impact may occur
- 2. Will the proposed action result in a change in the use or intensity of use of land?**
 - 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 Environmental 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 or 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 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 for 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

Chairperson Smith makes a motion for negative declaration. Board Member K. Coursen seconds the motion. All in favor, the motion carries at 6:45 pm.

The Public Hearing on the matter is opened at 6:45 pm.

Will Frazee, 1999 Purcell Road, Fabius

-He is currently farming the field behind the property, and the new line cuts into that field significantly. He is concerned about what will happen when the property is eventually sold. The lot has already been modified to accommodate Mr. Frazee. The applicant's plan is to eventually deed some of the land over to the farmhouse so that the land can be used as a small farm eventually.

-Attorney J. Sutphen points out that in order to achieve this they can either go to the zoning board to ask for a variance, or they could enter into a long-term lease. Does the Board create a split lot on the other side of the road? While this is not prohibited, it is not a preferred method of zoning and subdivision.

-Chairperson Smith points out that there are several lots like this on Route 20, however they were created as a result of Route 20 being moved. She understands Mr. Frazee's point, but she could also see this being remedied with a long-term lease. The lease runs with the land.

-Mr. Frazee points out that the by-laws suggest land should be preserved for farming when possible. He guarantees that he will farm the land for years to come, any future buyer may not.

-Board Member K. Coursen confirms that the Planning Board has the ability to rule on this matter. J. Sutphen confirms that this is a Planning Board matter.

-The maps are reviewed by the Board, the Applicant, Mr. Frazee, Attorney J. Sutphen and Engineer J. Dunkle. 2.5 acres would be left on the "barn side" of the road. There is only a house on the other side of the road.

-The Applicant does not have a letter from the County re: the driveway visibility.

-The Applicant has no problem making the change requested by Mr. Frazee, but he does need to check with his partner.

-Board Member D. Bargabos confirms that a building lot needs to be at least two acres.

-Attorney J. Sutphen cautions the board to be very careful with their findings, as there are many properties in the Town of Pompey that could benefit from splitting off in this way. Chairperson Smith worries about the precedent that would be set by the Board purposely joining something on two different side of the road. Board Member K. Coursen does not believe that this would be an issue.

-J. Sutphen points out that either you allow an amount to be combined with the piece across the street, or the Applicant can go to the ZBA and ask for a variance for a farm lot that is less than 2.5 acres.

-The two lots would share the same tax map number. The matter would not need to be referred to County Planning.

-The maps can be changed and the Applicant can come before the Board again next month. There may be new neighbors who live within 1000 ft. of the lot across the road, which means that new notices would need to be sent out.

-Chairperson Smith clarifies that we will close the public hearing. The application needs to be modified, as there are now changes to the plan. The co-applicant's signature will also need to be included on the new application. This is no longer a two-lot subdivision. The updated maps should show both sides of the road, and the lots should be renamed accordingly.

-J. Sutphen and J. Dunkle confirm that there will be no additional fees.

Chairperson Smith makes a motion to close the Public Hearing, Board Member K. Coursen seconds the motion. All in favor, the Public Hearing is closed at 7:21 pm.

Perry Real Estate Holdings Broadfield Road Subdivision:
Continued Review of an application for subdivision of land located on Broadfield Road in the Town of Pompey (Tax Map No. 004.-03-44.1)

Present are the Applicant, Steve Parry and Pat Reynolds, Ianuzi and Romans Land Surveying P.C. Since the last meeting, the adjoining owner is now on board and the strip of land that was the easement for the septic system is now in contract to be purchased by the adjoining owner.

Attorney J. Sutphen confirms that there are written easements. The easement over to Apex is a 15 ft. easement, and the easement to the Holden piece is 37.8 feet. The maps provided do not add up correctly.

Chairperson Smith points out that this is a two prong application; the variance application needs to be submitted if the Planning Board directs the Applicant to do so.

Any additional houses built on the back lots would likely require a road to be added and/or ZBA approval.

The Board reviews the maps and discussion is had. Houses can be built on "Lot 2" and "Lot 3." The Board can approve it as a 2-lot subdivision and add a provision that says there is to be no further subdivision.

Board Member J. Shaheen points out that the existing situation includes one lot with 120 ft. of road frontage. Neither of the lots being created would be conforming, so a variance would be necessary.

There can likely be no further subdivision unless they build a town road. The Board needs to give a recommendation to the Applicant. The County has approved the site distances as proposed by the Applicant; the Applicant has the letter. The letter says the County approves driveway access for Lot 2, but the map has changed so now the driveway access is on Lot 3. The Applicant can change the lot numbers on the map to correct this. Attorney J. Sutphen and Engineer J. Dunkle confirm that the Applicant should have the County issue a new letter.

Chairperson Smith would like to refer the matter to the ZBA for consideration into three lots, realizing that there would be two non-conforming lots created. There is to be no more than two building lots created out of the three lots. Chairperson Smith makes a motion at 7:37 pm. Board Member D. Cook seconds the motion, all are in favor. The motion passes.

The Board secretary will let the Applicant know of the next ZBA meeting date. Codes Officer T. Bearup does not believe that there will a ZBA meeting next month, it is likely that the next meeting will not be until April. The Surveyor will need to rework the maps. T. Bearup confirms that the application will be accepted by the ZBA as long as it is submitted at least two weeks prior to the meeting.

Mapstone Site Plan Review:

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

Chairperson Smith recuses herself due to conflict of interest. Board Member K. Coursen chairs this portion of the meeting.

Present are the applicants, Peter and Melissa Mapstone.

The Applicant has new maps and a letter from the DOT confirming that the driveway plan is approved. Board Member K. Coursen asks about the parking lot-it is shown on the map as gravel. The Applicant confirms that it will kept as a hay field for now, with the intention down the road to make it a more permanent structure.

The Applicant will utilize temporary solar lighting for parking lots and walkways to the barn until they feel the need for permanent lighting.

The maps show spots for two signs-one sign for parking and one sign for the name of venue (Watervale Ridge.) The signs will be permanent.

Board Member K. Coursen asks for clarification re: the parking lot showing as gravel now, but that it will remain grass until further notice. Attorney J. Sutphen feels that if the parking lot is meant to be grass that the map should say grass. They could just change the wording on the map now, this would not need to back before the board, but if they want to make the parking lot gravel in the future, they would need to obtain a permit from codes. The Applicant would prefer to just cross the word gravel off the map; this is acceptable to the board.

The map now shows the two wells and the outdoor lighting on the barn. Board Member K. Coursen wonders if they need a cut sheet for the lighting. Engineer J. Dunkle suggests that the Applicant submit a cut sheet on the lighting that will be used; he needs to make sure that the lighting will not impact the road etc. Any lights on the exterior of the house will need to be provided on the cut sheet as well. The Applicant explains that the lampposts at the end of the driveway have been there long before, they did change the globe. The Applicant can just

provide the information on the globes and the wattage of the bulbs. If the lights on the house do not show on the map, then the Applicant can simply describe where they are. They could also take photos of any old existing fixtures.

The portable bathrooms and the septic drain field are now shown on the map.

Attorney J. Sutphen confirms that the matter can go to Public Hearing. She would ask that the changes to the maps be submitted at least 2 weeks prior to the public hearing. The Applicant can take the maps provided back and make the changes to them.

The Board will need to come up with an advanced resolution re Agro tourism.

Engineer J. Dunkle engineer makes copies of the narrative brought by the Applicant.

The maps will need to show where the pedestrian access doors will be, same for the guesthouse-both ingress and egress. Attorney J. Sutphen confirms that handicap parking should be designated on the map.

The narrative is reviewed by the Board/Attorney/Engineer. They will need to talk to Codes re: the sign size etc. Attorney J. Sutphen confirms that the Applicant should provide an idea of what the sign will look like; the Applicant will need to come up with a sign plan. The Board could also approve the locations of the sign and the applicant can come back with a sign plan at a later date.

Engineer J. Dunkle and Attorney J. Sutphen will go through the updated materials together and provide the Applicant with a complete list of what is needed prior to Public Hearing.

The Board Secretary will provide the Applicant with a list of neighbors within 1000 ft. and instructions on how to mail the letters.

Previously they had a handicap drop off area; this is not shown on the map. The accessible features should show on the map, including entrances and exits.

This will be on for a Public Hearing next month. If not all of the issues are addressed at that time, then the Board can continue the public hearing.

The Applicant can be reached at mapstonepeter@yahoo.com or mapstonemelissa@yahoo.com

Board Member J. Shaheen asks for clarification on when events will be held. The Applicant reports that events will likely be on weekends, maybe weekdays here and there. The house will be rented during the week as well. House is also to be used as an Air BnB.

The Applicant will have property management on site during the event; they could monitor traffic safety as well. The parking lot driveway is a much safer driveway than the private house driveway.

House driveway will be used for handicap only access; there has been several accidents in this area in the past. They can include this in the write up as well.

The maximum capacity of the event location will be 300. Over 300 people would require a sprinkler system. The Board notes that the maximum capacity of the house should be notated as well. The applicant has previously hosted a wedding with 250 people present and it was very comfortable.

The Board feels that this will be a road map for other Agro tourism applications that come down the line.

Chairperson Smith returns to the meeting at 8:08 pm.

Board Member K. Coursen compliments Mr. Frazee on his presentation during Public Hearing.

Board Member D. Bargabos makes a motion to adjourn the meeting. Board Member J. Shaheen seconds the motion. The motion carries, the meeting is closed at 8:09 pm.

Respectfully Submitted,

Sarah LoGiudice
Secretary to the Planning Board