

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

**January 16, 2023**

**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

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, Town Supervisor Renee Rotondo and Town Engineer John Dunkle.

The meeting was livestreamed via Zoom.

Chairperson Smith calls the meeting to order at 6:41 pm.

Chairperson Smith makes a motion regarding meeting dates for 2023. The Planning Board will continue to meet on third Monday of every month at 6:30 pm. Board Member J. Shaheen seconds the motion; the motion carries at 6:43 pm.

Board Member J. Shaheen had a few minor clarifications to the minutes from last month's meeting. Board Member C. Fahrenkrug moves to approve the minutes. Board Member K. Coursen seconds the motion; the motion carries at 6:43 pm.

**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).**

Present is the applicant David Hutton. Mr. Hutton explains that the family owns 100 acres of farmland in Onondaga County, sold 60 acres in Madison County. The applicant bought the farmhouse in 1969; there was a previous lot line adjustment made. The applicant's brother-in-law owns the farmhouse across the street from the barn. The applicant wants to sell all of the

land that is tillable. They would like to keep the brother in law's property intact before selling the land, so a subdivision is necessary. Copies of the large maps are provided to the Engineer and Attorney; all board members review the maps as well.

Chairperson Smith and Attorney J. Sutphen confirm that there are no setback issues present. The map needs to be changed to reflect "Lot 1" and "Lot 2." The board would like to see the driveways included as well. The applicant confirms that there is a well right next to the silo, there is no septic system present. The well is not used by the property across the road. The well needs to be plotted on the map as well.

There will need to be enough room for a driveway, as the property is on a County road. The County will need to be contacted re: site distance; the applicant can contact the Onondaga County Highway Department. The applicant's surveyor should be able to assist with this.

The next step is for the matter to go to Public Hearing at the next meeting, which is 2/20/2023. The applicant will send certified letters to the surrounding residents, and the applicant will send new maps when they are available.

**Perry Real Estate Holdings Broadfield Road Subdivision:**

**Preliminary 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 for applicant are Pat Reynolds, Ianuzi and Romans Land Surveying P.C., and the applicant, Steve Perry. The applicant has 18.5 acres of land on Broadfield Road, which he wishes to divide into two parcels. One parcel is 7.9 acres and the other will be 10.6 acres. Both lots will have access from Broadfield Road. Due to the exiting configuration of the lot, the road front will only be 60 feet for each of those lots; the applicant has also submitted a Variance Application to the Town. The Application will start with the Planning Board, but the only way the Planning Board can approve the subdivision is with the Variance granted. Board Member K. Coursen points out that the subdivision is not the major issue; the variance is the major issue. Attorney J. Sutphen feels that the Planning Board needs to thoroughly review why the parcels are the way they are at this time.

The applicant purchased the parcels as they are now. Currently there is an existing driveway that serves two homes. Chairperson Smith confirms that the map provided is the map created prior to 2010, when the property was previously subdivided.

Attorney J. Sutphen questions if there is a map available of the previous subdivision; the surveyor could not find one. She questions if there is a filed right of way in place for the easement of the driveways. The surveyor confirms that the right of way was filed in the deed; the Surveyor will send J. Sutphen a copy of this. Perhaps the time is right to clean that up,

maybe the applicant can file a declaration of easement. Engineer J. Dunkle and Attorney J. Sutphen review the maps further.

Chairperson Smith notes that the neighboring landowner's pool and septic system encroaches the easement. The applicant is in current discussions with the landowner's attorney regarding him possibly purchasing the easement. The applicant confirms that he wishes to work together with his neighbor to make this happen. The applicant's counsel, Dave Grosso, has contacted the landowner to let him know that the matter would be coming before the Planning Board; they are not sure what his intentions are at this point. All of these changes can be made under one application. The maps are reviewed further; significant discussion is had between all.

K. Coursen questions when a private driveway needs to become a road; clarification will be needed on this. The 60 ft. driveway is already serving two homes, and eventually there may be three.

Attorney J. Sutphen confirms that the Planning Board is charged with the orderly development of land. Chairperson Smith confirms that the Planning Board has been trying to shy away from shared driveways. The Board would like to see the legality of the easements that were granted and how they were previously worded. If the driveway needs to become a private road, that brings along a host of other development issues and can be very expensive. The applicant is not interested in pursuing that. Chairperson Smith informs the applicant that she is aware that the Zoning Board cannot meet in February, so the variance application cannot be heard until March.

The applicant can contact Chairperson Smith and/or Codes with any questions. The applicant will submit the requested documentation and the next step would be discussion on a potential Public Hearing.

Attorney J. Sutphen feels that any recommendation should include a provision stating that the property cannot be further subdivided. The property has been previously subdivided in a strange way.

**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 and leaves the table at 7:21 pm. Board Member K. Coursen will chair the meeting for this application.

Present are the applicants, Peter and Melissa Mapstone. The Board has previously asked for additional documentation. The applicant is waiting to hear back from the County on the driveways/site distance. The applicant has not yet made plans for additional lighting.

The Board has received the OCPB decision; the decision paperwork is provided to the applicant. The County has suggested a gravel parking lot. Board Member D. Cook acknowledges that the County has also suggested a gravel driveway, but she agrees that it should be left hay as they continue to farm the land. K. Coursen confirms that the OCPB has made recommendations, and that their suggestions are not mandated.

The applicant has no updates to their maps. Their site planner is moving slowly. The applicant confirms that they are clear what changes are needed.

The septic is located to the South of the house. Board Member D. Cook compliments the applicant on the work done thus far.

The additional information requested by the Board needs to be provided as soon as possible in order for any Public Hearing to be scheduled.

The applicant believes that there is only one neighbor who lives within 1000 ft. The applicant's site planner had previously sent out certified letters regarding the project to neighbors, prior to receiving this direction from the Board. This will need to be done again before any public hearing.

Board Member J. Shaheen wonders what other types of celebrations will be held on the property. The applicant will hold family reunions and other family oriented gatherings. The applicant can include the words "family oriented" in their paperwork. They anticipate holding events only on weekends. There was significant discussion at the last meeting re: the house on the property and the intent to rent it along with gatherings. There was also discussion about using the house as an Airbnb in the offseason. The Town currently has nothing in place that regulates short-term rentals. Supervisor Rotondo confirms that short-term rentals are not permitted in a farm zone. The applicant reports that this is why are doing a business overlay; they are designating the business as part of the farm. Attorney J. Sutphen will work to form an opinion on this. She will speak to the Town Supervisor and the Town Board, as well as Codes, about all of this. This issue will likely need to be addressed in the site plan.

Chairperson Smith returns to the table at 7:32 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).**

Chairperson Smith reports that this is not on for a public hearing tonight. The Board is still discussing the concept site plan with the applicant. The Board needs to decide if the application meets the code as presented in Town law that would allow Tier 3 solar applications. The Town Board would need to have a public hearing on whether or not to grant the solar overlay. After this, it will come back to the Planning Board.

Present for the applicant are Bennett Ramsey, Project Manager with Seaboard Solar, Bill Anterline, Engineer from Wendel Companies and Mike Chandler with Seaboard Solar.

The Planning Board has continued to review the documents previously submitted by the applicant.

Chairperson Smith sent one question to the applicant earlier today. Any Tier 3 Solar application shall not exceed 50% of the area prime farmland, unique farmland, or farmland of state importance on the parcel. She could not find a map that showed all of the soil types outlined on the parcel. The map provided showed the array, the soil types, the parcel, and the soil types. The total acreage of prime soil is between 20 and 24 acres. The total parcel size is 68.5 acres. There are three categories-we need to make sure that all three are adequate.

Engineer J. Dunkle sees 60.8 acres of prime and statewide important soils. This includes soils that are not prime right now, but that would be if they were drained. The Board needs to know that at least 50% of all three types of soils will not be disturbed; further discussion is had. The applicant will find the answers to this.

There are no further questions from any Board Member.

Engineer J. Dunkle acknowledges removing 30 acres of trees will increase runoff; however, those impacts can be mitigated. There is an impact, but the Town will make sure the impacts are properly documented, quantified and mitigated during site plan.

Chairperson Smith confirms that direction says that the removal of trees/vegetation should be minimized. Engineer J. Dunkle says that we could require that the area be reforested upon decommissioning. That is not in the plan yet, but applicant confirms that that could be included. The bond amounts would reflect this.

Board Member K. Coursen confirms that this is a 68-acre property and they are disturbing 30, it is tight for the 50%. It barely meets the 50% threshold.

Board Member J. Shaheen wonders if the applicant could adjust what they purchase to account for this. The ratio would be changed if more prime farmland were purchased. The applicant confirms that they do have some flexibility there.

Attorney J. Sutphen confirms that subdivision of the land is going to be a condition when the application comes back to planning board. The question is whether this project meets the spirit of the solar law that was passed by the town board.

Chairperson Smith confirms the stumps and roots are going to be chipped. There will be minimal to no disturbance to the trees outside of the project area. The applicant confirms that whoever is charged with maintenance inside of the project's fence will not have to deal with stumps.

Board Member K. Coursen inquires if they have a Plan B location within the Town. The applicant confirms that they do not.

Chairperson Smith notes that there has been some flooding on Route 91 with heavy rains. The mitigation of drainage is going to be key with this project so that the problem that is already there is not exacerbated. When the project goes in for site plan review, mitigation will be accounted for. The applicant will make sure they are not causing an additional impact to the surrounding area.

Board Member J. Shaheen likes the profile of the project and the way that the applicant has minimized the road frontage.

Codes has met with the fire department on the project and they have not responded yet.

Attorney J. Sutphen confirms that the meets and bounds is going to be critical; this should be part of the plan set.

Board Member C. Fahrenkrug brings up the previous question re: setback issue. Board Member J. Shaheen had previously mentioned that he would prefer the top setback to be 100 ft. Attorney J. Sutphen confirms that the setback does not apply to the fence. The setback is to the structure, not to the fence. Board Member J. Shaheen indicates understanding.

Chairperson Smith appreciates the amount of detail that has been provided by the applicant. J. Dunkle raises that the Planning Board can make a recommendation that includes a provision for the question regarding the 50% threshold.

Board Member C. Fahrenkrug notes that the prime soils are in an area that is never going to be accessible. Regardless, it has to be counted in order to meet with requirements in the Town's regulation. Currently the land is not being used for farming. Kudos to the property owners for protecting the current farm soils.

Board Member K. Coursen makes the following motion at 8:01 pm:

The Planning Board recommends to the Town Board that the parcels upon with the Seaboard Solar Operations are intended, per it pending application, that same are intended to be subdivided, be added to the Solar Overlay zone with the following findings and conditions:

1. The applicant must meet the requirements for 50% of the prime farmland.
2. The configuration as currently shown provides natural buffers to adjoining properties.
3. Set back and coverages appear to be met on this preliminary plan.
4. There do not appear to be significant view shed issues to neighboring parcels or passerby.
5. Mitigation of potential drainage caused by tree removal drainage appears to be mitigatable upon further engineering review; recommissioning plan may also address reforestation.

6. Appropriate subdivision will be required.
7. This application appears to meet the spirit of the solar local law, as it has been written.
8. This Board notes that there is a concern regarding the reduction of prime farmland soils, both in our Town and the State.
9. The local law provides that if this matter is granted Solar Overlay Zone approval from the Town Board, it will be referred back to the Planning Board for Site Plan Review where all of these issues will be further addressed, subject to final engineering and legals.

Board Member John Shaheen seconds the motion at 8:03 pm.

Chairperson Smith would like an individual roll call on the matter.

John Shaheen: Aye

Kevin Coursen: Aye

Sue Smith: Aye

Carl Fahrenkrug: Aye

Deb Cook: Aye

Dan Bargabos: Aye

Board Member Roy Smith is not present. The motion passes, with the recommendations to the Town Board, 6-0 at 8:03 pm.

Chairperson Smith makes a motion to adjourn the meeting at 8:04 pm. The meeting is adjourned.

Respectfully Submitted,

Sarah LoGiudice  
Secretary to the Planning Board