

**TOWN OF POMPEY PLANNING BOARD MINUTES  
NOVEMBER 19, 2018**

The Town of Pompey Planning Board meeting was held on Monday, November 19, 2018. In attendance: Chairwoman Sue Smith. Members: Dan Bargabos, Robert Neufang, Roy Smith, Carl Fahrenkrug, John Shaheen and Kevin Coursen. Attorney Jeff Brown and Town Engineer Steve Snell were also in attendance.

Chairwoman Smith called the meeting to order at 7:00 pm followed by the Pledge of Allegiance.

Motion by C. Fahrenkrug, seconded by K. Coursen to approve the October minutes as presented All in favor.

**POMPEY CENTER ROAD – TWO ROAD SUBDIVISION:** Public Hearing of 2 lot subdivision at the intersection of Number 2 Road and Pompey Center Road Peter Mapstone was present. It is 70+ acres and he wants to subdivide into two lots, 2+ acres with the house and keep the remaining 68 acres as active farm land and a barn.

Peter Mapstone stated that the power goes from the house to the barn, but it will be changed. The barn has water from a spring. He can access the barn from a couple of places. He will contact the County for a driveway for the barn.

Chairwoman Smith comment #2 from SOCPA encourages the Town to consider the potential long-term effects of dividing farmland. Also, comment that the applicant contact the County Highway Department regarding the dedication of additional right of way from the center line of Pompey Center Road.

Engineer Steve Snell said the additional right of way could be along frontage of both lots and the reason may be related to highway maintenance.

Chairwoman Smith asked if there were any other comments from the Board. There were none.

After completing Part II of the Short SEQR form, motion by K. Coursen, seconded by J. Shaheen for a negative declaration. All in favor.

Motion by J. Shaheen, seconded by K. Coursen to open the public hearing.

Chairwoman Smith asked if there were any comments from the audience. There were none.

Motion by K. Coursen, seconded by J. Shaheen to close the public hearing.

Motion by K. Coursen, seconded by R. Neufang to approve the 2-lot Subdivision on Pompey Center Road and No. 2 Road, Tax Map No. 013.-02-09.3 based on a map by Cottrell Land Surveyors, dated 9/17/2018, revised 10/31/2018, part of Lot #31, Town of Pompey. All in favor.

-  
**SCOTT SCHAAL (HUNTER SPRINGS):** Public Hearing scheduled for landscaping business at 3210 Gardner Road. Chris White and Scott Schaal were present.

Chairwoman Smith asked what the status was for the driveway on Pratts Falls Road?

Scott Schaal said that Matt Hubbell from the County gave him what he needs to do in the Spring. He will need to pave the driveway. He then said that the secondary driveway is not used.

Kevin Coursen asked about the two wells on the property.

Scott Schaal said that both are used for watering and also used for the building

Carl Fahrenkrug asked about the Certificate of Occupancy?

Chris White stated that it has not been officially issued. Everything was built before getting the permits. The plumbing and electrical inspections have been completed. There was no inspection for the concrete, etc.

Kevin Coursen said that it should not affect what we are doing tonight. The CO is under the Code Enforcement Officer. The Planning Board does not look at codes, they are all under the Code Enforcement Officer.

Attorney Jeff Brown said that a Code Enforcement Officer cannot issue a CO if there are any non-compliant issues, such as lack of approval for Site Plan.

Carl Fahrenkrug asked if the hours of operation were 7:00 am to 5:00 pm?

Scott Schaal said he doesn't really have hours.

Kevin Coursen said the landscaping is not operational before 7:00, 6 days a week?

Chris White said he is fine with the 7:00 am for the landscaping business and 6:00 am in the summer.

Attorney Jeff Brown said it is 7:00 am now pursuant to an agreement between the parties as part of a pending Town Court proceeding, but he knows that is a shorter time on Saturdays. No hours on Sunday.

The agreement between Scott Schaal, his attorney and Jeff Brown about the hours. We have an opportunity to address and the 7:00 am start time is in effect until a decision is made.

Chris White stated that they are gone all day with very few exceptions.

Kevin Coursen said that Attorney Jeff Brown only had a temporary time set until the Planning Board makes a decision.

Attorney Jeff Brown did visit the site prior to 7:00 am and they were loading stone (this summer). Based on what was feasible and appropriate, we did hear complaints from some of the neighbors.

Kevin Coursen said that farmers are out late at night with the short growing season, landscaping has the same constraints.

Attorney Jeff Brown stated there are no set hours of operation guidelines in our code, so what is appropriate?

Chairwoman Smith stated that Spring is very busy just trying to get the crops in.

Kevin Coursen said that farming has a different schedule than most business.

Dan Bargabos said that he can't start working on houses before 7:00 am.

Chris White said that as opposed to construction, Mr. Schaal just loads up and is gone all day. Nothing is stockpiled at the business, but gets delivered at the work site.

John Shaheen asked what type of equipment?

Scott Schaal said excavator, skid steer.

John Shaheen then asked him what happens in the morning?

Scott Schaal said it varies from day to day. The equipment could be gone for 3-4 weeks.

Dan Bargabos asked Scott what hours he was thinking of?

Scott Schaal stated that the nursery would be 7:00 am to 6:00 pm. Working on a Sunday is very rare. Saturday would end at 3:00-3:30 pm.

Chris White said that they will establish the hours, but preferable not be constrained from working on Sunday.

Attorney Jeff Brown said that the Town pushed for the best result possible in temporarily establishing hours of operation as part of the Court proceeding. There was talk of loading at the end of the business day for the next day, so there would not be any noise in the morning.

Kevin Coursen said he had 7:00-5:00 hours for weekdays, but will change the weekend hours.

Scott Schaal said 9:00-4:00. He does not plow snow.

Chairwoman Smith asked to define "spoils" shown on map.

Chris White said "clean fill". It is taken from work site and then put somewhere.

Scott Schaal said that he stockpiles dirt from one site and then it is taken away and used at other work sites where he needs soil.

Chairwoman Smith said that the original Site Plan showed materials transported, occasionally hard scape. What are the dimensions of the parking lot.

Chris White said that the parking lot is gravel, standard size. Employees are to take only Hunter Springs trucks to job site.

Carl Fahrenkrug asked how many vehicles are parked there during the day?

Chairwoman Smith asked if he works on one or two sites at a time?

Scott Schaal said that on average they work at two sites a day. There is only a part-time employee at the office during the day, 8:00-2:00 pm. In addition, he is usually at the office.

Chris White said there will be no lights at night. Typically, lights are used in the winter when it gets dark earlier. There are no lights after everyone leaves. There are cameras and infra red lights for security.

Chairwoman Smith asked the engineer Steve Snell if he has looked everything over?

Engineer Steve Snell said everything that was requested seems to be provided including photographs of the building.

There is one set-back that Fred Hill, Code Enforcement Officer was questioning.

Chris White stated that it is 56 feet (from licensed surveyor) for front yard set-back.

Engineer Steve Snell said that it is up to the Board to determine whether or not stormwater management should be provided.

Scott Schaal said it is all managed, there are no flooding issues.

Engineer Steve Snell said the previous site plans did not show everything. This one is from a surveyor, so everything is shown.

Kevin Coursen asked where the "spoils pile" is located? It is not near anything else?

Attorney Jeff Brown asked about screening for neighbors? There could be fencing. When he was there early in the morning, 6:45 am, he could definitely hear noise.

Kevin Coursen asked where the propane tanks are located?

Engineer Steve Snell thinks it is fine where they are located.

Chairwoman Smith said that are two 500 gallon tanks shown.

Chairwoman Smith said this was advertised for a public hearing. We will need to do the SEQR questions.

Engineer Steve Snell said that there are State Wetlands to the east of the site, can't tell if a portion of the disturbed area is in a wetland. They would be in violation if they did anything without a permit.

Motion by K. Coursen, seconded by J. Shaheen for a negative declaration. All in favor.

Chairwoman Smith stated that this has been advertised for a public hearing. Is there anyone who wishes to speak?

Amy Valletta, 3171 Gardner Road. She just wanted to say that they received a letter, but it was not return receipt.

Kevin Coursen stated that we need to put into the minutes that we do not have receipts to confirm that the neighbors have been notified. It is a major issue if the letters were not mailed certified return receipt.

Scott Schaal stated he did get the list from Town Clerk Ann Christmas.

Attorney Jeff Brown said that since it cannot be confirmed that the neighbor notifications were sent out certified mail as required by the Town code, we would have to have an informal public hearing tonight.

Kevin Coursen apologized to the neighbors that are here tonight.

Chris White said they will mail everyone another letter.

Chairwoman Smith said all are welcome to speak. Do ask that you give your name and address and speak to the Board.

Barry Hutchinson, 2886 Gulf Road, Manlius. He has 260 acres of land off Pratts Falls Road. 2800 feet of frontage. He goes down Gardner just about every day. He feels the business is an asset to the community. It is well kept and is a nice operation. He feels it enhances his property. There is no trash/garbage. It is very orderly.

Amy Valletta, 3171 Gardner Road. She has several concerns. The hours of 7:00-5:00 pm is not the case. He goes there whenever. She is also concerned about the pollution he brings. Her car has been covered in ash from the burning that he does. She has pictures of an excavator being taken away that were taken from her house, 300 feet away.

Scott Schaal said that he is burning brush, occasional pallet. He talks to the fire chief every time he does it.

John Shaheen asked how often he does a burning?

Scott Schaal said 2-3 times a year. He stays there until it is out.

AmyValletta said that in the fall she sees piles of rocks, pallets, construction debris, cement, tractor trailer with piles of debris left over from construction.

Kevin Coursen asked is it in the debris (spoils pile)?

Scott Schaal said it is tarp, chains, lawnmowers, miscellaneous tools. In the building it is sand concrete storage to keep it dry.

Paul Valletta, 3158 Gardner Road. He is south of the property. He wants to clarify that the 10 wheeler dump trucks, when dumping, rattles the windows at his house. The 18 wheeler with all the rock going at 5:00 am. Whatever he is saying is not true. The 10 wheelers dump mulch, stone 300 feet from his house.

The tractor trailers are there at 5:00 am. Respectfully, before 7:00 am in the morning and after 5:00, sometimes 6:00 pm. It is about 300 feet from his garage. His aunt gave Mr. Schaal rights to get electrical. He had to cut down some of Janet's trees so he could get the electricity. Everything he has done has been generally wrong. He feels he is disrespectful.

Matt Valletta, 3171 Gardner Road. He is right across the street. When he first started, he came and talked to him. The applicant does not live there, so he doesn't have to look at it.

Janet Valletta, 7546 Pratts Falls Road. He should have some consideration for the people that have lived there for a long time. They left the city for the country serenity.

Matt Valletta said that he had 75 acres to build on, but never would have built there if he ever thought that this business would be there.

Sue Valletta, 7523 Pratts Falls Road. If he can be here and the Board tells us everything will be all right, but once this goes through, what recourse do they have?

Kevin Coursen said that if there are complaints, the Code Enforcement Officer would go out and check. We set the parameters that he has to follow.

Attorney Jeff Brown said that having a site plan with very specific conditions will enable the Code Enforcement Officer to enforce the code. It is a good thing to have a specific Site Plan in place.

Ten years ago the Code Enforcement Officer at the time said to go ahead and build without a permit and now for the past two years we have been trying to correct that mistake and get the business up to code. The requirements are not clear, specific hours of operation, vague without an approved site plan. This process will clarify to make sure he complies with our code.

Chairwoman Smith said she wanted to thank the neighbors for coming tonight. You should be getting a certified return receipt letter in the mail. We need to work together and get a resolution and if he does not abide by it, the Code Enforcement Officer needs to know about it. The Site Plan should help. She appreciates everyone staying tonight. We will finish it up at the next meeting on December 17<sup>th</sup>.

Motion by S. Smith seconded by K. Coursen to adjourn at 8:50 pm.

Respectfully Submitted,

Darla M. Mawson, Secretary  
Town of Pompey Planning Board

Motion by K. Coursen, seconded by J. Shaheen to approve the Scott B. Schaal Lot #1Part Subdivision known as 3210 Gardner Road, tax map #017.-02-01.1 as designated on a map dated 10/26/2018, by GMB Consulting Services, LLC, sheet #1.0 subject to the following conditions: hours of operation for May 1-September 30 - Monday-Friday, 7:00 am-6:00 pm,; from October 1-April 30, Monday-Friday, 7:00 am-5:00 pm; and year around hours for Saturday will be 7:00 am-3:30 pm, Sunday year around hours will be 9:00 am-3:00 pm; only one storage container, maximum size 8 feet by 40 foot length, maximum 10 feet high and conditional driveway improvements made in accordance with DOT application for permit, reference #218-01-18 completed by July 1, 2019. This conditional Site Plan approval will be revoked if the improvements to the driveway outlined b DOT are not completed by July 1, 2019.