

**TOWN OF POMPEY PLANNING BOARD MINUTES  
DECEMBER 19, 2016**

The Town of Pompey Planning Board meeting was held on Monday, November 29, 2016. In attendance: Chairman Sue Smith; Members: Bob Neufang, Kevin Coursen, Dan Bargabos, John Shaheen, Roy Smith and Carl Fahrenkrug. Attorney Jeff Brown, Engineer Steve Snell and Town Code Enforcement Office Fred Hill were also present.

Chairman Smith opened the meeting at 7:00 pm, followed by the Pledge of Allegiance.

Chairman Smith asked if there were any corrections or deletions to the November minutes. Motion by J. Shaheen, seconded by R. Neufang to approve the minutes as corrected. All in favor.

**THE FARM STORE @ PALLADINO FARMS :** Public Hearing on site Plan Review for a farm store at 3149 Sweet Road. Dan Palladino was present.

He stated that he has incorporated the changes that the Board requested. It will be a local food store located in the existing garage. It has been the farm office. He wants to sell food (his own), plus other local products. A farm store can sell wine from two manufacturers. He will have his own beef, pork and chickens plus flour, cheeses, etc. He has included a map with the outline of the store.

In 1979 they had a fire at the agri farm business and it burnt down. He will add one sign, rustic looking. All the lighting is already there. He is getting a license to sell wine products at the store.

Chairman Smith stated that the property is located in a farm overlay zone. The property is enrolled in ag district. Palladino Farms meets the qualifications to do a farm business.

Her farm does business with Palladino Farms so she will recuse herself from voting.

Roy Smith stated that he also does business with Palladino Farms and he will recuse himself from voting also.

Dan Palladino stated that some products will be organic. Feels it will be a store that everyone can enjoy.

Kevin Coursen asked if the store would be open twelve months of the year?

Dan stated that it would be open all year.

Steve Snell, Town Engineer stated that the sign should have 100 watt bulbs. Also, the map needs to be done as a regular survey map.

Dan Palladino stated that the only improvements would be in the store and the new sign.

Chairman Smith asked him about the sign for handicapped parking and parking signs. Also, the signs for entrance/exit.

Bob Neufang wanted to know the purpose of the tables shown in the store?

Dan Palladino stated that he wanted people to enjoy the view from the store. Hopes to have handouts about the local products sold.

If he wants to make any changes to site plan approved this year, he would have to come back and get any changes approved.

Dan was asked about the sign (height, etc.).

He stated that the sign will be 4’ long, 2’ underneath the sign and the sign will be 6’.

Chairman Smith then reviewed the SEQR (short Environmental Form). She explained the procedure and then read the questions:

- 1. No
- 2. No
- 3. No
- 4. No
- 5. No
- 6. No
- 7. a. No    b. No
- 8. No
- 9. No
- 10. No
- 11. No

Motion by S. Smith, seconded by J. Shaheen for a negative declaration. All in favor. 7-0.

Chairman Smith stated that this was advertised for a public hearing.

Motion by S. Smith, seconded by C. Fahrenkrug to open the Public Hearing on the Palladino Farm Store. All in favor.

Chairman Smith asked that all speakers give their name and address and that they address the Board.

Peter Miller, 3770 Sweet Road. He just wants to state that he is opposed to this application. This is a high a speed access route.

He referred to the Master Plan for Commercial Use – mostly in the hamlets. His argument is that in his ten years at 3770 Sweet Road he has seen how much the traffic has increased on Sweet Road. He sees the traffic going by at 75 mph. The speed limit is 55 mph. It is just a high speed access route.

He does not feel it is appropriate to put another business right across from another commercial business, Holbrook Heating, especially with their truck traffic every day.

In January 2015, a child died. He feels that 55 mph is too high a speed limit on that road.

He feels that bringing in more traffic (cars & trucks) is too much. The Master Plan talks about business being in the Hamlets.

Kevin Coursen stated that the Town does not control the speed limit on the roads.

Peter Miller stated that you can control the use. A residential increase in the agricultural use area brings more traffic. The road is not the way it was 20 years ago.

Dan Palladino stated that he has sold the development rights on the property. Being able to develop is very limited to the farm. There are 605 acres of protected land.

Kevin Coursen stated that he does agree with you with the issue of speed. Appreciate your argument. It will be open only a few days a week with limited hours. Don't see traffic making much of an impact.

Dan Palladino stated that it is also his home and it will be limited.

Peter Miller anticipates he is looking to do business. 14 parking spaces, he sees two cars as inappropriate.

Bob Neufang stated that the scope of the proposed market should not adversely affect your quality of life. The Fabius-Pompey School needs more kids, the enrollment is declining.

Peter Miller stated he is questioning the business there according to what the Master Plan states. Holbrook Heating has a lot of trucks and there have been accidents.

Chairman Smith stated that Pompey has rich agriculture and wants to keep the land and have income to sustain the farm. It is farm land. The Farm Store is trying to source all local products.

She drives school bus and traffic is one her tail all the way to Cazenovia and also on the side roads. Every town has issues. It is scary on Estsey Road driving a tractor and having people pass you. That is another issue that has to be dealt with.

Kevin Coursen stated that the Town pays the Sheriff's Department for extra presence in the Town. He moved here from the city and is now retired. One thing he is worried about, he doesn't want to be the last person to move in. We are a vibrant community. Part of the issue, it is different than a commercial Aldi's. No sense of commercial, just a farm store. Farms are a part of the reason he came here. He has a hard time seeing it as strictly commercial, but appreciates your position.

Peter Miller stated that the point he is making is that there is already a commercial business across the road, and developing a new retail store creates more traffic.

Kevin Coursen stated that he has been an EMT for 25 years. He has an issue re fatality to commercial use. Feels it was road conditions/speed, not this Board's issue. It should be addressed to the County.

We had issues here in Pompey Center. Had traffic light installed and lower speed on streets in Hamlet of Pompey. You need to address concerns with the Town Board.

Chairman Smith stated that he does have a point regarding speed. In terms of this site, feels it is safe. Any other concerns?

Barbara Miller, 3770 Sweet Road. She is here for her mother. She had a handout for the Board. She is concerned about the traffic. She remembers when Bill Franklin wanted to do a grove thing on Sweet Road. She want Palladino to do good. She can't tell you how many times she has had close calls.

Maybe if this gets approved, have it contingent upon speed limit being lowered.

Bob Neufang said that you aren't looking at the scope of this. Feels that it will be an asset to local people.

Barbara Miller stated she didn't feel it was any different than Beak N Skiff.

Chairman Smith stated that all we have is a locally sourced farm store with intent of overlay. Letter states why it can't go into Hamlet. The answer is the convenience of the owner. She doesn't feel that the 5 way intersection in Town is a good option.

Barbara Miller stated that she feels you should keep with the Master Plan.

Carl Fahrenkrug stated that it fits the purpose of the Farm Overlay, not necessarily supposed to be in a Hamlet.

John Shaheen stated that he was a member of the Master Plan Committee and the purpose is to promote farming. He wrote portions of the plan.

Dave Knapp, 6344 Rt. 20. He is Chairman of the County Ag Council. They advertise to support local farms. He grew up on a dairy farm. Agriculture is changing. Their main goal is to help local farms stay in business. Dan has sold the development rights to 600 acres. They could have put in a really large development there, but decided, No. He already has a great business, productive for the community. He can remember 30,000 people here for Farm Days.

He would be happy to look into the speed limit, not sure how it works, but he would encourage the Board to approve the application.

Kevin Coursen said that the Board cares for the health and safety of the community. We do make decisions on access, lighting and take it seriously when we make decisions. The Town has addressed speeding issues with extra patrols at extra cost.

Would also like to remind you that two members recused themselves because they do business with Dan.

Motion by S. Smith, seconded by D. Bargabos to close the Public Hearing.

Motion by K. Coursen, seconded by J. Shaheen that the Palladino Farm Store at 3149 Sweet Road be approved based on Tax Map No. 018.-04-15.4, contingent upon the map that handwritten additions/deletions be completed on the final map by a licensed surveyor on a map by Christopherson Land Surveying, dated 12/9/2016, in accordance with the Farm Business Overlay Zone is applicable to this Site Plan.

Chairman Smith stated that the map presented with handwritten comments will be professionally added to the map before the Chairman will sign.

Roll Call on the vote: K. Coursen – yes

D. Bargabos - yes

B. Neufang – yes

J. Shaheen – yes

C. Fahrenkrug – yes

Chairman S. Smith and R. Smith recused themselves from the vote.

Five for, 2 recused, Passed.

**DAVID BOYLE/VIRGINIA NELSON SITE PLAN REVIEW:** Public Hearing on a Site Plan review for a micro-distillery at 8632 Cazenovia Road. David Boyle and Virginia Nelson were present.

Their business is Rolling Boyle Distillery Works, LLC. They are federally licensed/bonded and are located in Syracuse. They will be affected by the Rt. 81 changes and will need to relocate the micro-distillery. They produce spirits. All contained in warehouse, just need plumbing/electrical. No tasting room, just producing. Will not need a sign with name/logo. Only traffic related to business will be cars and small trucks.

They have a 53 gallon still, 400 bottles a month. As for vehicles, one to two people, just light traffic for delivery. No tractor trailers on the property. They will not be using the front half of the building.

As requested by the Board, letters were sent out to neighbors by certified mail.

They will not be replacing any lighting. He provided information on the dumpster

placement to Fred Hill, Code Enforcement Officer. There are two parking spaces. They have just signed the lease.

He has spoken with the NYS DOT and they visited the site. He will need to pave the driveway to the easement. The permit is in the works. He can't pave now, but the State is willing to wait for him to do it in the Spring.

Department of NY Ag & Markets will be inspecting facility before the license is received.

The transfer of the Federal permit to the new location will be completed.

John Shaheen asked about the septic tank?

David stated that the septic holds 240 gallons. He will be distilling three times a week. Each day 40 gallons, so probably will be about 120 gallons a week.

They hope to get into the building tomorrow, and it will be 6-12 weeks to get the Federal permit. Wants to start the build out as soon as possible, hopefully be done in 6-8 weeks.

Kevin Coursen asked about what local products he would be using?

David stated he is looking for corn, wheat, and will need staples such as herbs, honey, spices, maple syrup. He is trying to get NYS products, but if he can't will need to go elsewhere. 75% of product has to come locally. Bottles and cases will be from out of state. If he can find them in NYS at a manageable cost, then he will.

There will be one sign by the road for delivery. Doesn't need the sign to be lighted.

Virginia Nelson stated that she found a labeler in Sherburne.

Chairman Smith stated you talked about a well.

David Boyle said that he understands that will be enough. He could track if necessary. 50-75 bottles a week, hope to go up to a higher number.

Chairman Smith asked about the tasting being taken to other places.

David Boyle stated that the business plan is to manufacture and then go to farmer's markets, restaurants, wine store @ Enders Road does do tastings.

Bob Neufang wondered about security?

David Boyle stated there is an alarm system, cameras are inside and at entrances. Fire safety is required by insurance.

Chairman Smith asked about the paving requested by State DOT?

David Boyle said that DOT stated through the easement, past the telephone pole line.

Chairman Smith then reviewed the SEQR (short Environmental Form). She explained the procedure and then read the questions:

- |       |                   |
|-------|-------------------|
| 1. No | 7. a. No    b. No |
| 2. No | 8. No             |
| 3. No | 9. No             |
| 4. No | 10. No            |
| 5. No | 11. No            |
| 6. No |                   |

Motion by S. Smith, seconded by C. Fahrenkrug for a negative declaration. All in favor. 7-0.

Motion by S. Smith, seconded by K. Coursen to open the public hearing.

David & Susan Carroll, 8647 Cazenovia Road. They have 792 feet of frontage across the road. They just spoke to Fred Hill regarding the fact that there were 3 meters just installed on the building. No inspection. They have dealt with DOT. They know the steps on dealing with large trucks.

A tractor trailer tried to get in the driveway and held up traffic for 15 minutes on Rt.92.

They wondered how the grain waste would be dealt with? There is a dip in the road.

They all know Tim Mahoney. What is going to be there? What has been allowed? What will be allowed? He has 33 acres, two building lots. Who wants to build with a storage facility there? Board would be setting a precedence. He will come here and smooze the Board.

Kevin Coursen stated he takes issue with Tim Mahoney comments. You need to respect this Board.

Susan has called the Town several times and told them they need to watch him. He has put three meters on the building. He has trucks in and out. They just talked to Fred. No permits have been issued.

Kevin Coursen stated that when they do the build out, Fred will be there. It is a Hamlet/commercial area.

Susan Carroll stated that she is entitled to peace and quiet in her home.

David Carroll stated that there are 12-15 homes in the area. If this is allowed, it would be setting a precedent. Tim Mahoney will have an industrial complex.

Susan Carroll respects that it is agricultural.

Kevin Coursen said they need to understand that they tried to plan those zones to have commercial areas. Delphi Falls just opened a store. If issue is an individual that is not following the code, then it will be taken care of.

David Carroll stated that he doesn't want to live across from a storage area.

Chairman Smith stated the site does have limitations. If he is dumping, then it is an issue.

Kevin Coursen stated that Fred will address those issues. He was not aware there were any issues. The DEC needs to be notified and the issue addressed.

Susan Carroll doesn't see how you can have a business.

David Carroll wanted to know what they were going to do about Tim Mahoney?

Kevin Coursen stated that Fred Hill will check and see what is going on there. Can't prevent it, but can stop it.

David Carroll stated that he told the Town what was going on in August.

Chairman Smith stated that it is hamlet/commercial. If he doesn't come to us for a site plan, we don't know what he is doing.

Kevin Coursen said that this Board does not make decisions on what is/is not allowed. The Board does other things. If everything is being done correctly, meets all zoning requirements, our role is to look at the application. Does it meet all requirements for the area. All we can do is make sure they do what they are supposed to be doing.

Susan Carroll wondered, does there have to be a sign? Jack Penoyer had it on the mailbox.

David Carroll is worried about home/property values.

Kevin Coursen stated that the golf course and airplane place have signs.

Chairman Smith said the Board appreciates their concerns.



David Carroll asked about the building having multiple tenants, different use.

Chairman Smith said they would have to come in with a new site plan. Each plan is specific, if it changes, it would need a new site plan.

Susan Carroll wondered how you remove the grain waste?

David Boyle stated that still is small, 50 gallons, fermented it is 100 gallons. 4-6 bags of grain go into agricultural tank. It will be removed within 24 hours.

Virginia Nelson stated that it is too small for a tasting room. They plan on being quiet neighbors. Would like to leave a zero footprint, be good neighbors.

Andy Hardman, 8625 Cazenovia Road. Will there be anything in the air from the distillery? Would they increase their size (expand) and have more going into the septic system? He doesn't have a problem with the size they want now.

David Boyle stated that it is on a well and septic, so it is restricted. The current concept can make it, recirculating. Commercially successful. We know there are limits with the property.

As for aroma, waste will be removed rapidly.

Jim O'Neal, 8626 Cazenovia Road. Is there a noise ordinance in a commercial district?

Attorney Jeff Brown said it is a very general concept. Can't disturb the comfort of others.

The Board can ask for something in writing regarding the aroma and smell.

David Boyle said that the dumpster is for waste, can put a fence around it. He would be happy to do that.

Virginia Nelson stated that regarding noise, there is very little noise. Distillery is boiling, electric still, long tall pipe. As it boils it gets separated, operates with electricity (small motor). No clanking bottles. Only four at a time. Very quiet.

Anne Shelly, 8501 Cazenovia Road. She represents Pompey Historical Society. The schoolhouse is there; National Institute of Health web site said distillery wash is a critical environmental issue with well. Hard to understand spent water waste. No sewer, just the septic.

David Boyle stated that a lot of water is considered waste. The difference to a larger still, grain out system. Cannot have grain in the still after fermentation. Larger manufacturers

waste will go into sewer. Smaller operations operate differently.

Virginia Nelson stated that water is used for cooling. No contact with the still. The grain goes off site to a farm.

Dan Palladino stated that he collects distillery grain to feed to the pigs. When purchasing local grain it supports both the farm and the distillery using local products. He uses distillery mash all the time.

Beth Abend, 8640 Cazenovia Road. Does anyone on the Board know how to operate a distillery? She feels the Board should know how it works.

Kevin Coursen stated that they are regulated by the Department of Ag & Markets, also there are Federal Regulations. We don't need to know how to be an expert, there are other agencies that regulate it.

Chairman Smith said she takes offense. If you have a complaint, go to the Town Supervisor, Carol Marsh.

Doug and Beth Abend say they have been calling for six months. Why are they just now hearing about it?

Chairman Smith stated that the Town of Pompey does more for notifying neighbors than any other Town. All neighbors within 1000 feet are notified and the Town goes above and beyond, No other town notifies within 1000 feet.

The Public Hearing is the first time that the meeting is open for constructive comments. We do research and ask questions. Yes, there are people that do take advantage. We have had a change in our code enforcement rules, so we are still learning.

Susan Carroll wondered how the Board can make a good decision when he has put in three meters with no permits and has brought fill in?

Chairman Smith stated we are dealing with the site plan before the Board, not regarding the owner of the building. Fred (code enforcement officer) goes in to check everything. We are only dealing with this site plan. It is on a small scale, inside the hamlet/commercial zone.

Anne Shelly asked if the site plan specifically says that the grain mash is taken off site?

Kevin Coursen stated that their septic system was designed with a leach field. It is designed for that. They are not directly discharging. This is different, doesn't go into a body of water, has to do with direct discharge into water.

Anne Shelly asked liquid waste?

Kevin Coursen stated liquid water going into septic system, up to 240 gallons a week.

David Boyle stated that dumpster would have cardboard boxes, recyclable items, picked up once a week with regular trash service. The tanks are closed, capped and kept in the building until removed. He can put a fence around the dumpster.

Virginia Nelson stated they want to be good neighbors, attractive and discreet.

David Boyle stated that if there were meters installed, they were not for them. He did not request them.

Code Enforcement Officer Fred Hill will look into tomorrow.

Attorney Jeff Brown stated that the issue of the signage and what it will look like, don't believe it will be acted on tonight.

David Boyle stated that this is his first experience, but is perfectly happy to use the mailbox.

Kevin Coursen said the Board will need to have a drawing of placement of dumpster, mailbox and where it will be paved. You need to go back to surveyor and have shown on the map.

Motion by S. Smith, seconded by J. Shaheen to continue public hearing at the next Board meeting on January 16, 2017. Note: It is Martin Luther King Day. All in favor, 7-0.

Chairman Smith asked David to write up statements regarding noise, water usage. A written narrative to include maximum output, discharge issue, waste disposal in general and discharge issue, how much it would be.

Motion by C. Fahrenkrug, seconded by K. Coursen to adjourn at 9:35 pm.

Respectfully Submitted,

Darla M. Mawson, Secretary  
Town of Pompey Planning Board