

**MINUTES OF A REGULAR MEETING  
OF THE ZONING BOARD OF APPEALS OF THE TOWN OF POMPEY**

**SEPTEMBER 18, 2022**

**7:00 PM**

**Pompey Town Hall**

Board Members Present: David Tessier, Chairperson  
David Hale  
Kevin Sharpe  
Patrick Frazee  
Donald Neugebauer

All members of the Zoning of Appeals were present. Also present were Attorney Joe Frateschi, Tim Bearup, the Town of Pompey Codes Enforcement Officer and Town Supervisor Renee Rotondo.

**Nancy Furdock, 3759 Sweet Road; Tax Map ID: 010.-03.18.0**

Present for the applicant are Nancy Furdock (applicant) and her solar contractor, Steven Nickels.

This application is for an area variance to increase the allowed height from 15 feet to 20 feet for the construction of two pole mounted solar panels. The panels are each 18'X28' and will tilt and rotate with the sun, having an approximate diameter of 31 feet.

Chairman Tessier confirms that the application submitted by Ms. Furdock was complete and thorough and included a brand new property survey.

Fees have been paid, it was advertised and the applicant spoke directly with her neighbors. Applicant also provided a signed letter of support from most immediate neighbor. Discussion about whether a certified letter was mailed to residents within 1000 ft. from applicant's property; the applicant was unaware of this provision. Supervisor Rotondo confirms that this provision does in fact lie within Town Code, it is not just provided as a courtesy. Board Member P. Frazee put on records that if in fact residents within 1000 ft. of the applicant's property were not notified, then this should cause the meeting to stop as residents need to be able to publicly comment. Chairman Tessier stated that the meeting could continue, but that the Board could not vote tonight; the meeting continued.

The Onondaga County Planning Board (OCPB) did not review this application. An Area Variance for a residential accessory structure does not require a referral from the Town to the OCPB.

**Application Review:** The applicant and her contractor were under the impression that the Town Code allowed for a maximum of 10 ft., but Chairman Tessier confirmed that the code actually allows for 15 ft. The applicant explained that typically the solar panels will be operating well under the 15 ft. allowance; the maximum height for the panels is 18 ft. The panels are essentially 18 X 28, and rotate.

Chairman Tessier reports that there is a 5 ft. side setback for an accessory structure in the Farm Zone. Discussion re: property line. The Board Members and the applicant reviewed the aerial view of the parcel. According to the map, it appears that they are well away from the South property line. Per Town Zoning Code 165, Attachment 1.b, Footnote (2), in the Farm Zone, the 5 ft. side setback can be increased by 2 ft. to add 1 ft. to the allowed height. For the requested height variance of 5 ft., the applicant would have to place the panels 10 ft. plus the 5' minimum for a total of 15 ft. from the property line to the edge of the 31 ft. radius of each rotating panel. The applicant has more than enough property to move the structure back until the desired height is reached, and she stated that she is willing to do so.

Chairman Tessier suggests that the applicant complete a new Building Permit Application that puts the accessory structure 15-20 ft. from the property line. If this is done, then there is no need for a variance. This a new Solar Law, Chapter 165-16.2, and all involved are still learning how to use it.

The applicant will work with Codes Enforcement to rework the original application and re-submit.

Board Member P. Frazee moved to close the meeting; Board Member D. Hale seconds the motion. All in favor.

Respectfully Submitted,

Sarah LoGiudice  
Secretary of the Zoning Board of Appeals