

## TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held its Regular Meeting on Tuesday, April 9, 2024, at 6:30 p.m. The meeting was held in-person and was also live-streamed via Zoom platform. In attendance were: Supervisor Mark Nardella, Councilors Bill Lipe, James Loomis, Diana Carpenter, David Angello; Accountant Jim Pompo (virtually); Town Attorney David Capriotti; Town Clerk Nikki Reid; and Zoom Host Veronica Hotaling.

Supervisor Nardella called the meeting to order at 6:32 p.m. followed by the Pledge of Allegiance.

### **PUBLIC COMMENT:**

Gino Cassano, Sweet Road: He provided a handout that discussed the amplified music coming from Heritage Hill. He stated that the neighbors have been complaining to the Palladino's, the Pompey Town Board, and the Town of Pompey Planning Board for years regarding the loud music. He stated that there has been no evidence of Mr. Palladino's promise of having a good relationship with his neighbors. He asked Supervisor Nardella to schedule a meeting with the concerned neighbors to discuss the amplified music at Heritage Hill.

Phil Dilmore, Michael Avenue: He provided a handout that discussed the previously proposed Frank Long Road Solar project and the Town Board's conservative approach to protect the land, the residents, our property values, and the quality of life. However, he stated that town leadership has seemingly abandoned those ideals in favor of the blind eye being turned in favor of Heritage Hill and its nuisance to those surrounding the property. He asked Supervisor Nardella to go on record and elaborate on the contradictory approach the town has taken with respect to any and all proposals brought forth by Heritage Hill.

Dan McClung, Michael Avenue: He addressed that there should have been no surprise that legal action was taken regarding the Article 78 lawsuit. The residents communicated multiple times through various ways with no response from the Town Board.

Lisa Miles, Pratts Falls Road: She provided a handout that discussed the Article 78 lawsuit and wanted to call attention to the bullying, threats of violence, and harassment endured over the past several months by the Petitioners. She explained that the lawsuit was against the Planning Board because they felt the board did not do an adequate

review on the environmental impacts a meat processing plant will have on the community; the lawsuit was not against Heritage Hill for noise.

Deborah Grenier, Cemetery Road: She wanted to discuss the fact that the Town Board Members should have voted and been required to pass a resolution before randomly deciding to remove the Town of Pompey's Facebook page. At first, comments were being deleted and then page was taken down. It's illegal. People started asking questions about the \$70,000 lawsuit regarding the Planning Board and Heritage Hill, those questions weren't being answered. She submitted a FOIA request over a month ago asking for legal bills which still have not been provided. There is a lot of absence of transparency.

Jim Gosier, Pratts Falls Road: He wanted to address the comments that were made by the Deputy Supervisor at last month's meeting that were attributed to Supervisor Nardella. Mr. Gosier stated that they did bring their grievances to the Town Board and were ignored. They would have been happy to sit down like adults and come up with a solution, in fact, on two separate occasions he stood in front of the board and begged to sit down and discuss the noise issues. We will continue to exercise whatever options we have to make sure all citizens' rights are protected.

ACCOUNTANT'S REPORT:

- R-60-24 Motion by Carpenter, seconded by Angello to accept the March 2024 Supervisor's Report. All in favor. Motion carried.
- R-61-24 Motion by Loomis, seconded by Carpenter to accept the March 2024 Bank Reconciliation Report for the Supervisor's account. All in favor. Motion carried.

NYCLASS Interest rose to \$12,572.00 this month, you can expect that to continue for the next few months. The JCAP Grant was received this month in the amount of \$5,221.00, expenses for that are forthcoming.

TOWN CLERK'S REPORT:

- R-62-24 Motion by Loomis, seconded by Lipe to accept the March 12, 2024 Regular Meeting Minutes. All in favor. Motion carried.
- R-63-24 Motion by Carpenter, seconded by Lipe to accept the March 2024 Bank Reconciliation Reports for the Town Clerk and Tax Collector. All in favor. Motion carried.

R-64-24 Motion by Angello, seconded by Loomis to approve the following payment of bills: Abstract Nos. 143-201, totaling \$155,960.31. All in favor. Motion carried.

Town Clerk Nikki Reid gave an update on the Earth Day Event, which will be held on Saturday, April 20, 2024, from 9am – 12:00pm at the Town Hall and Highway Garage. Details will be posted on the Town’s website.

ARPA FUNDS:

R-65-24 Motion by Angello, seconded by Loomis to approve the purchase of lumber for the signs in the Hamlet. All in favor. Motion carried.

R-66-24 Motion by Angello, seconded by Carpenter to hire Installations Unlimited for the purchase of the Camera System in the amount of \$904.21. All in favor. Motion carried.

R-67-24 Motion by Angello, seconded by Loomis to hire Installations Unlimited for the purchase of Access Control in the amount of \$4,817.16. All in favor. Motion carried.

R-68-24 Motion by Angello, seconded by Carpenter to hire Installations Unlimited for the purchase of the Conference Room Sound System in the amount of \$4,808.89. All in favor. Motion carried.

LOCAL LAW 2024-1: HOME-BASED BUSINESSES:

R-69-24 Motion by Carpenter, seconded by Lipe, to adopt LOCAL LAW 2024-1 AMENDING CHAPTER 165 TO AMEND ARTICLE VIII (ADMINISTRATION AND ENFORCEMENT) SECTION 165-44(G)(2) THAT REGULATES HOME BASED BUSINESSES IN THE TOWN OF POMPEY

**G. Criteria for Specific Uses**

**(2) Home-Based Business**

**(a) Intent and Purpose.** This Section of Town Code applies to all Home-Based businesses in non-commercial zoning districts. The Home-Based Businesses regulations seek to balance the need of some individuals to work at home with rights of other individuals to enjoy the residential character of their neighborhood and their private property. The purpose of the Home-Based Businesses regulations is to protect the health, safety, and

welfare of neighboring residents and the preservation of the neighborhood as a comfortable place for the people who live there. Home-Based businesses are intended to be a seamless addition, not a disturbance, to any neighborhood.

It is also the intent and purpose of these regulations to provide for certain types of restricted occupational uses within non-commercial districts. Only such uses will be allowed which:

- [1] Are incidental to the use of the premises as a residence;
- [2] Are compatible with residential uses;
- [3] Are limited in extent; and
- [4] Do not detract from the residential character of the neighborhood.

**(b) Definitions.** For the purposes of this Section, the following words shall have the meaning indicated unless the context clearly requires otherwise:

**BUSINESS VEHICLE**

A car, bus, van, trailer or commercial motor vehicle (CMV) used to transport goods or passengers for the profit or benefit of an individual or business.

**MOTORIZED EQUIPMENT**

A device used by a business that includes an internal combustion engine or an electric motor of greater than one-quarter (1/4) horsepower.

**HOME-BASED BUSINESS:**

A lawful activity commonly carried on or managed within a dwelling or accessory structure on a residential property by a member or members of the family who occupy the dwelling, where the business activity is clearly incidental to the residential use of the property and where the residential character of the property, dwelling and accessory structures is maintained.

**PREMISES**

All lands, structures, installed equipment and appurtenances located on a property.

**(c) Standards for Home-Based Businesses Permitted as of Right**

Home-Based businesses complying with the standards set forth in this Section shall be considered minor in character and shall be permitted as of right with no permit required. Home-Based businesses permitted as of right must meet the following standards:

- [1] The Home-Based business shall be owned by a person or persons, not by an entity. Properties owned by an entity are required to comply with the provisions of subsection G(2)(d).
- [2] The dwelling on the premises shall be the primary and legal place of residence for the owner of the Home-Based business.
- [3] The Home-Based business shall be clearly incidental and secondary to the

residential use of the property. No additions or alterations to the dwelling or property that change its residential character shall be permitted.

[4] No separate entrance or driveway used primarily by the business shall be permitted.

[5] Outdoor storage of goods, materials, or products connected with a Home-Based business is prohibited.

[6] Only one unilluminated, two-sided sign no larger than two (2) square feet shall be displayed on the property for the Home-Based business. All other on-site advertising is prohibited.

[7] Business vehicles, In addition to any personal resident vehicles, no more than two (2) licensed and registered vehicles not to exceed a gross vehicle weight rating of 14,000 pounds used for the Home-Based business shall be located on the premises, unless housed in an enclosed residential garage.

[8] Motorized equipment. Any motorized equipment and/or attachments thereto used in the Home-Based business shall be stored in an enclosed structure.

[9] No more than one person other than a resident of the dwelling shall work on premises.

[10] The Home-Based business shall not be open to the public or receive deliveries earlier than 8:00 a.m. or later than 8:00 p.m. Only vehicles of not more than two (2) axles and not greater than 14,000 pounds of gross vehicle weight shall make deliveries to Home-Based businesses. Such deliveries shall not restrict routine traffic flow.

[11] A Home-Based business shall produce no offensive noise, vibration, smoke, dust, odors, heat or lighting.

[12] A Home-Based business shall not use, store, produce or dispose of toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials, as deemed such by federal standards. Quantities of such supplies common to residential uses shall be exempted. Home-Based business activities conducted and material/equipment used shall not be of a nature to require the installation of fire safety features not common to residential uses.

[13] All parking associated with the Home-Based business shall be in the driveway or inside of a structure where the Home-Based business is located. Parking on the street or in the yard is prohibited.

[14] No more than two client, customer or delivery vehicles shall be on the premises of the Home-Based business at the same time.

[15] The gross floor area within a dwelling or accessory structure used or occupied in conjunction with a Home-Based business, inclusive of basements, attics, cellars and similar areas, shall not be greater than 25 percent (25%) of the gross floor area of the first floor of a dwelling, and in no event shall such business area exceed 500 square feet.

[16] An accessory structure may be used for the Home-Based business or to support the Home-Based business but is subject to the gross floor area limitations set forth in paragraph 15 above.

[17] More than one Home-Based business shall be permitted on a premises subject to the above conditions which would apply to all businesses.

**(d) Home-Based Business Requiring Town Approval**

[1] If a Home-Based business does not meet the standards set forth in Section (c) above but is not prohibited by Section (e) herein, the owners thereof shall apply through the Codes Enforcement Office for a permit from the Planning Board. The application shall be in the form provided by the town and shall specify the business use, how it conforms to the intent of this Section and any other documentation that the Codes Officer requires.

[2] No Home-Based business subject to Planning Board approval shall operate until such approval is granted.

**(e) Prohibited Home-Based Businesses**

The following operations are prohibited:

[1] A Home-Based business where the owner of the business does not reside on the premises.

[2] A Home-Based business that is the primary use of the premises.

[3] On-premises retail sales, unless clearly incidental and secondary to the Home-Based business, limited in scope and where there is no display of items for sale in any configuration resembling a retail store.

[4] Warehousing as a service.

[5] Restaurant/Café/Tavern.

[6] Mortician/Funeral home.

[7] Ambulance service.

[8] Limousine service with more than one vehicle parked outside.

[9] Major appliance repair (except when working at customers' homes).

[10] Junkyard.

[11] Automotive repair, body work, painting, detailing, washing services (except when working at customers' homes).

[12] Massage parlors.

[13] Medical or dental laboratory.

[14] Raising or harboring of domestic pets for sale where facilities are less than 100 feet from any property line and the lot is less than five acres.

**(f) General Provisions**

[1] The Town Board shall establish the application and permit fees for the Home-Based business permit.

[2] The Home-Based business owner is responsible for notifying the Town Codes Officer of any changes in the business operations that affect its status under this Section. Failure to do so shall constitute a violation of these provisions.

[3] A violation of any provision of this Section shall be subject to the enforcement and

penalty provisions of Section 165-47, as amended from time to time.

**(g) Sunset Clause**

It is recognized that there currently exist in the Town of Pompey businesses operating on residential properties that pre-date this statute. Owners of such businesses that meet the following criteria shall be considered non-conforming uses under Section 165-20 of this Code only for Home Based Business: (i) the home based business has been in operation for more than five (5) years, as proved by a sworn affidavit to the Code Enforcement Officer; (ii) there is no record of neighbor complaints on file with the Town against the property owner for operation of the a home based business; (iii) the home based business is not prohibited under Section 2(e) above; (iv) and the home owner provides the Code Enforcement Officer with a description of the home based business that shall include, but not be limited to, the time of operation, the number of employees beside the homeowner, the estimated number of vehicles that frequent the home based business per week and any other information requested by the Code Enforcement Officer. For any other existing home based business, Owners of such businesses are hereby required to obtain the necessary operating permit no later than one-hundred and eighty (180) days from the effective date of this Local Law. Failure to do so shall constitute a violation of this law, subject to the enforcement and penalty provisions set forth in Section 165-47, as amended from time to time.

**(h) Severability**

The invalidity of any clause, sentence, paragraph or provision of this Section shall not invalidate any other clause, sentence, paragraph, or part thereof.

**(i) Effective Date**

This Local Law shall take effect immediately upon filing with the New York Department of State.

All in favor. Motion carried.

**SUPERVISOR'S REPORT:**

Supervisor Nardella gave an update on CAVAC funding for Delphi Falls. There is a possibility that they will receive extra funding from Madison County which would allow them to pass on extra funding to Delphi Falls. Starting this summer, CAVAC is also offering EMT training to Fabius Pompey students.

Supervisor Nardella gave an update on the JCAP grant. Judge Cognetti was able to secure a grant that allows for the purchase of new conference room chairs.

R-70-24 Motion by Loomis, seconded by Angello to reschedule the Tuesday, May 14, 2024 Regular Monthly Meeting to Thursday, May 16, 2024, at 6:30 p.m. All in favor. Motion carried.

Supervisor Nardella stated that there is \$5,000.00 allotted in the town budget for the swim program. Open registration will be posted on the Town Website soon.

R-71-24 Motion by Carpenter, seconded by Loomis to temporarily take down the Town of Pompey Facebook Page retroactive to March 21, 2024.

After much discussion, Town Clerk Nikki Reid called a Roll Call Vote:

Councilor Carpenter – Yes

Councilor Loomis – Yes

Councilor Angello – No

Councilor Lipe – No

Supervisor Nardella – No

The motion did not pass.

R-72-24 Motion by Angello, seconded by Lipe to affirm the Town Board's decision to discontinue and take down the Town of Pompey's Facebook page retroactive to March 21, 2024. All in favor. Motion carried.

R-73-24 Motion by Lipe, seconded by Angello to authorize Supervisor Nardella to sign a letter in regards to the Inaugural OnondagaMan Triathlon that will take place on Saturday, June 1, 2024. All in favor. Motion carried.

R-75-24 Motion by Lipe, seconded by Lipe to adjourn at 7:35 p.m. All in favor. Motion carried.

Respectfully submitted,

Nikki Reid  
Pompey Town Clerk