

**Town of Starkey  
Planning Board Meeting  
December 5<sup>th</sup>, 2023**

**Board Attendance Present:**

|                                  |                                    |
|----------------------------------|------------------------------------|
| Steven Fulkerson, Chairperson    | Gwen Chamberlain, Councilperson    |
| Tim Sanavaitis, Vice Chairperson | Rivka Davis, Councilperson         |
| Nowel Faus, Councilperson        | James "Jim" Kroetch, Councilperson |
| Christine Hoople, Councilperson  |                                    |

**In-person Attendees:**

|  |  |
|--|--|
| Brian Shriver, Code Officer                  | George Lawson, Town Supervisor                         |
| Buck Lawson, ZBA chairperson                 | Wilfred Nieves (Project Developer for New Leaf Energy) |
| Trevor Glantz (Engineer for New Leaf Energy) | Kacey Rose (New Leaf Energy)                           |
| Ben Calkins                                  | Anna Calkins   |
| Jaden Calkins                                | Samantha Clark (Secretary)                             |

**Zoom Attendees:**

|              |             |
|--------------|-------------|
| Casey Phipps | Kevin Bezek |
|--------------|-------------|

**Call To Order at 7:30pm by Steven Fulkerson****Approval of Minutes:**

Steven Fulkerson, Chairperson, asked if anyone in the audience needed the minutes read aloud. The reading of the minutes was waived. Motion by Jim Kroetch, Councilperson, seconded by Nowel Faus, councilperson.

Motion carried 7-0.

Minutes of the November 7<sup>th</sup>, 2023 regular meeting of the Town of Starkey Planning Board was approved as amended.

A motion was made by Rivka Davis, Councilperson, seconded by Gwen Chamberlain, Councilperson.

\*All in favor; none opposed- Motion carried.

**Opening of the decision on application number 2023-PB-25 @ 7:35PM**

**Owner: Phuong Tang Property Location: 218 Malthouse Road. Dundee, NY 14837 Tax Map #114.04-1-13**

Steven Fulkerson, Chairperson, reviewed the county decision on the application, the county came back with a recommendation to approve. Steven Fulkerson asked if there were any further comments on the application. No further comments were made.

**Board Action:** A Motion to approve as submitted was made by Tim Sanavaitis, Vice Chairperson, seconded by Jim Kroetch, Councilperson.

\*All in favor; none opposed- Motion carried.

**New Business: New Leaf Energy Solar panels (3 separate applications with 2 SEQR reviews) One for Lawson Rd. and Two for Dundee-Himrod Rd.**

**Application #: 2023-PB-26 Owner: George Lawson**

**Location: 529 Lawson Rd. Dundee, NY 14837 Tax Map #128.01-1-8.111**

**Discussion:** Steven Fulkerson, Chairperson, stated he would like to discuss the application for acceptance as the disturbance of physical alteration is under a Type I threshold and it could technically be a short form review. Steven Fulkerson, Chairperson asked if everyone on the board got a chance to review the applications as submitted. Rivka Davis, Councilperson stated she read over all the application aside from the long form SEQR that was submitted and since New Leaf Energy has taken the time to prepare it and even though it is under the threshold, it is a sizeable installation, she prefers that the board reviews with the long form. Steven Fulkerson, Chairperson, asked if there were any comments on reviewing as a long form? No comments were made.

Steven Fulkerson, Chairperson, made a motion to accept the application as complete, so they can then go through the SEQRA and review it as an unlisted action with a long form. Seconded by Jim Kroetch, Councilperson.

\*All in favor; none opposed- Motion carried.

**Comments from the Board:** Steven Fulkerson, Chairperson, asked if the project team could extend the SEQRA deadline for declaration out to 45 days? Brian Shriver, Code Officer asked if Steven Fulkerson, Chairperson would like to request to establish lead agency. Steven Fulkerson, Chairperson said they have 30 days to establish lead agency, which would give them until next month to establish lead agency. They then have 20 days to determine significance. Rivka Davis, Council Person asked if they need an official statement from the applicant to extend the review time? Steven Fulkerson, Chairperson stated they do need a mutual agreement. Trevor Glantz, New Leaf Energy Engineer asked if a verbal agreement was sufficient. A verbal agreement is sufficient and was given by Trevor Glantz, New Leaf Energy Engineer.

Steven Fulkerson, Chairperson asked New Leaf Energy if it would be okay to establish a lead agency after the 45 days to review the SEQRA? Trevor Glantz, New Leaf Energy Engineer accepted that agreement.

**Application #: 2023-PB-27&28 Owner: Lloyd & Sally Ann Malloy**

**Property Location: 4554 Dundee-Himrod Road Dundee, NY 14837 Tax Map # 113.02-1-1.1**

**Discussion:** Steven Fulkerson, Chairperson opened with a project explanation. He stated there is one SEQRA for both applications. The project encompasses 347.5 acres, actual acreage being used is 114 acres. One of the projects has at least 80% Prime soil. George Lawson asked if they were talking about the 65 acres being the size of the lot and not the acreage the arrays would take up? Kacey Rose with New Leaf Energy stated that was correct. Actual arrays will only cover 35 and 37 acres. Which would be about 70 acres for the arrays and 45 acres will still be useable. Steven Fulkerson, Chairperson stated he believes it would be a Type I because it meets a 50% threshold within agriculture. Which would mean a SEQRA long form should be used. If using a long form on a project, they must site the size. Rivka Davis, Councilperson stated that completing the long form for both Solar projects would eliminate people wanting to know why one had a long form and not the other at the public hearing.

Steven Fulkerson, Chairperson stated he recommends the board to hear it as a Type I action. Motion made by Tim Sanavaitis, seconded by Rivka Davis. \*All in favor; none opposed- Motion carried.

Steven Fulkerson, Chairperson stated they will review the long form SEQRA as well. And that the application appears complete.

**Board Member Comments:** Steven Fulkerson, Chairperson, stated Rivka Davis, Councilperson asked in the last meeting if the zoning variance needs a special use permit on the state unified solar permit? The answer was stated Yes. Rivka Davis, Council person stated that her question was if New Leaf Energy was providing the application as an example of what they would do if they got the permit? New Leaf Energy stated that was correct. Steven Fulkerson, Chairperson stated, it is the boards understanding that New Leaf Energy will not be filing the application with appropriate bodies unless they get approval. Kacey Rose with New Leaf Energy stated that was correct.

**Public Comments/Questions/Concerns/Discussions:** Steven Fulkerson, Chairperson asked if there was any public wishing to speak to the board? Ben Calkins, business owner stated he spoke to Brian Shriver, Code Officer earlier in the day and Brian recommended they come to a meeting. They are planning on purchasing a property on Route 14. It is currently a farm stand and maybe a café. Ben Calkins, business owner wants to bring in ice cream and coffee. They would take over the building for the production needs and coffee. A special Use Permit was approved for sandwiches. Brian Shriver stated the question was, would Ice cream require the special use permit to be modified by the board? Steven Fulkerson, Chairperson stated making food and making ice cream is different. Ice Cream is considered an industrial process. Ben Calkins, business owner stated they use a grease trap. Steven Fulkerson, Chairperson stated it would be within the special use. Brian Shriver, Code Officer, would be overseeing the process and once the owner steps outside of the special use permit, the owners will have to come before the board.

**Member Reports or comments:**

A regular meeting will be held on January 2<sup>nd</sup> and an additional work session is scheduled to finish the SEQRA review on January 9<sup>th</sup> at 7:00PM (January 16<sup>th</sup> being a weather backup date).

Steven Fulkerson, Chairperson opened discussion on Officer Elections. Thoughts were to keep the status quo for 2024, having each board member taking over for at least one meeting in 2024 to get practice. Rivka Davis, Councilperson asked if that would fit into the bylaws? Steven Fulkerson, Chairperson stated he doesn't see anywhere it wouldn't fit because the Chairperson or Vice Chairperson would still be there if they needed someone to step in. The chairperson could still handle the extensive public hearings. Rivka Davis, Councilperson stated they needed to still hold the election vote in January. George Lawson, Town Supervisor stated that in other townships the Chairperson and Vice Chairperson are approved by the Town Council. The Board can recommend them. Rivka Davis, Councilperson asked if the board needs to change their bylaws to line up with what George stated. George Lawson, Town Supervisor stated they are still looking into it. Recommendation for 2024 would be Steven Fulkerson as chairperson and Tim Sanavaitis as vice chairperson.

\*All in favor, none-opposed- Motion carried.

SEQRA review for application 2023-PB-26 was started.

Steven Fulkerson, Chairperson recommends looking at the comprehensive plan. He would like to send out a new survey. With the questions being non-biased. They would like to do via online or send out via mail. He asked the board to come up with some questions for the survey.

Steven Fulkerson, Chairperson adjourned the meeting at 9:18PM.