

**Town of Starkey  
Regular Meeting  
February 8, 2024**

Council Members Present: George Lawson, Supervisor John Socha, Councilperson  
Caryl Sutterby, Councilperson Julie Dunkelberger

Council Members Absent: Jeremy Hall, Councilperson

In-Person Attendees: Ralph Warren, Highway Superintendent  
Brian Shriver, Code Official Anthony DeStephen, Assessor

Recording Secretary: Candace Iszard, Town Clerk

The regular Town of Starkey Board meeting was called to order at 7:00 PM by George Lawson, Supervisor.

**Pledge of Allegiance-** George Lawson led the pledge of allegiance.

**Approval of Minutes**

Minutes of the January 11, 2024, regular meeting and January 15, 2024, Workshop meeting of the Town Board, were approved as written. A motion was made by Caryl Sutterby, Councilperson, seconded by Julie Dunkelberger, Councilperson.

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

**Public Hearing for Proposed Amendment to the Subdivision Regulation**

- The advertised public hearing on the Proposed Amendment to the Subdivision Regulation was opened at 7:01 PM by George Lawson, Supervisor for discussion with the residents attending this meeting.

**Public Comment**

Brian Shriver, Code Official, spoke briefly stating that he is in favor of the proposed amendment as an option but not as a mandatory requirement.

**Close Public Hearing for Proposed Amendment to the Subdivision Regulation**

- George Lawson made a motion to close the public hearing on the Proposed Amendment to the Sub-Division Regulation, seconded by Caryl Sutterby was closed at 8:05 PM.

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

**Audit of Claims**

On a motion by Caryl Sutterby, Councilperson and seconded by Julie Dunkelberger, Councilperson

**2024 Abstract #002 February 8, 2024 Vouchers Number: 21 through 49**

The vouchers contained in the above-mentioned abstract were reviewed by the Town Board and are authorized for payment in the amount totaling \$283,804.43.

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

**Assessor Report-** Anthony DeStephen

- Tony reviewed the exemption process and the different exemptions that property owners could be eligible for, including, Agriculture Exemption, Aged Exemption, STAR, and Senior STAR. He explained the renewal and qualification processes as well as emphasized that all exemptions must be reviewed by March 1st annually in preparation for the Tentative Assessment Roll due May 1st.
- PILOT for Commercial Solar Farms: Tony states that these require time to evaluate the land value and changes to Agriculture Exemptions. He states that this is a time-consuming process but allows the Town to collect a portion of taxes verses being wholly exempt for 15 years as NYS Real Property Tax Law 487 states.

**Bookkeeping**

- George states that the new accounting software is operational, hence the change in the look of the vouchers and abstracts that were reviewed tonight.

**Clerk Report– Candace Iszard**

- The Clerk Report was presented to the board.
- Tax Collection is well underway. A total of \$2,504,740.61 has been collected as of February 1st.
- The LGRMIF grant that we have been preparing to apply for, we have the opportunity to be part of a shared service application with Yates County. George, Amy, and Candace met with the grant writer, Liz Mistretta of ICC, and concluded that we would have a better chance at being awarded if we joined the shared service grant application that Yates County Supervisors and Mayors are heading up.

**Highway Report– Ralph Warren**

- Ralph discussed selling the Dynaweld Trailer, “for off road use” on the roadside by sealed bid, as we have no title for it. Ralph will get the wording for an ad to Candace this week.
- Ralph presented quotes for a new pickup truck.
  - 2024 Chevrolet Silverado 2500 Crew Cab 4WD with 9-foot Western Plow (\$6314.00) Total Cost \$63,379.00
  - 2024 Dodge Ram 3500 Tradesman Crew Cab 4x4 Long-Box with 9-foot Western Plow (\$6314.00) Total Cost \$66,229.00

**Supervisor Report– George Lawson**

- Big Stream Ice- George contacted the Office of Emergency Management regarding the procedure if there were to be an “ice jam” in the outlet of Big Stream into Seneca Lake, at Glenora Point. They stated that they could clear a blockage (ie. downed trees), but not disrupt the bottom of the stream. George states that access to the stream still remains a concern.
- George and Ralph met with Mark Tremblay on Starkey Point to review the Drainage Easement written by the Town’s Attorney, to allow access to replace and maintain the drainage culvert that is outside the Town’s Right of Way.

**Resolutions****No. 7-2024****Rescind Resolution 55-2023 NYSLRS Standard Workday**

On a motion by Julie Dunkelberger, Councilperson and seconded by Jeremy Hall, Councilperson, the following resolution was ADOPTED.

Ayes 4

George Lawson, John Socha, Caryl Sutterby, Julie Dunkelberger

Nays 0

RESOLVED that the Town of Starkey does hereby rescind Resolution 55-2023 as a result of a typographical error.

Office of the New York State Comptroller  
**NYSLRS**  
 New York State and Local Retirement System  
 110 State Street, Albany, New York 12244-0001  
 Please type or print clearly  
 in blue or black ink.

Employer Location Code  
 3 0 4 7 8

Received Date

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A (Rev. 11/18)

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

BE IT RESOLVED, that the Town of Starkey, hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
<b>Elected Officials:</b>									
Resolution 55-2023 RESCINDED									
<b>Appointed Officials:</b>									
Teresa Grady	3486	13246485	Real Property Appraisal Aide	4/1/23-3/31/23	6	21.97	<input type="checkbox"/>	Bi-Weekly	<input type="checkbox"/>
Candace J. Iszard									

I, Candace J. Iszard, secretary/clerk of the governing board of the Town of Starkey, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 14 day of December, 2023 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Starkey on this 14 day of December, 2023.

(Signature of Secretary or Clerk)

Affidavit of Posting: I, being duly sworn, deposes and says that the posting of the Resolution began on 21/14/2023 and continued for at least 30 days. That the Resolution was available to the public on the:

(Date)

☐ Employer's website at:

☒ Official sign board at: 40 Seneca St. Dundee, NY 14837

☒ Main entrance Secretary or Clerk's office at: 140 Seneca St. Dundee, NY 14837

Page 1 of 1 (for additional rows, attach a RS 2417-B form)

**No. 8-2024**

On a motion by Julie Dunkelberger, Councilperson and seconded by Jeremy Hall, Councilperson, the following resolution was ADOPTED.

Ayes 4

George Lawson, John Socha, Caryl Sutterby, Julie Dunkelberger

Nays 0

RESOLVED that the Town of Starkey does hereby the NYSLRS Standard Workday Resolution.

Office of the New York State Comptroller  
**NYSLRS**  
 New York State and Local Retirement System  
 110 South Street, Albany, New York 12242-5001  
 Please type or print clearly in blue or black ink.

Received Date \_\_\_\_\_

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

Employer Location Code: 3 0 4 7 8

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A (Rev. 3/21/20)

BE IT RESOLVED, that the Town of Starkey, hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities.

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
<b>Elected Officials:</b>									
							<input type="checkbox"/>		
							<input type="checkbox"/>		
							<input type="checkbox"/>		
<b>Appointed Officials:</b>									
Teresa Grady	3486	13246485	Real Property Appraisal Aide	4/1/23-3/31/25	6	21.97	<input type="checkbox"/>	Bi-Weekly	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

I, Candace J. Iszard, secretary/clerk of the governing board of the Town of Starkey, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 8 day of February, 2024, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Starkey on this 8 day of February, 2024.

*Candace J. Iszard*  
 (Signature of Secretary or Clerk)  
 02/09/2024 (Date)  
 being duly sworn, deposes and says that the posting of the Resolution began on 02/09/2024 and continued for at least 30 days. That the Resolution was available to the public on the: \_\_\_\_\_

☐ Employer's website at: \_\_\_\_\_

☒ Official sign board at: 40 Seneca St. Dundee, NY 14837

☒ Main entrance Secretary or Clerk's office at: 40 Seneca St. Dundee, NY 14837

Page 1 of 1 (For additional rows, attach a RS 2417-B form)

**No. 9-2024****Pick-up Truck 2024 Chevrolet**

On a motion by Julie Dunkelberger, Councilperson and seconded by Caryl Sutterby, Councilperson, the following resolution was ADOPTED.

Ayes 4

George Lawson, John Socha, Caryl Sutterby, Julie Dunkelberger

Nays 0

RESOLVED that the Town of Starkey does hereby authorize the purchase of the 2024 Chevrolet Silverado 2500 Crew Cab Pickup Truck with 9-foot Western Plow. (VIN 2GC4YME70R1181366) Purchase Price \$63,379.00.

**No. 10-2024**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE  
TOWN OF STARKEY OF SUB-DIVISION REGULATION 2024**

Motion By: Julie Dunkelberger

Seconded by: Caryl Sutterby

Ayes 4

George Lawson, John Socha, Caryl Sutterby, Julie Dunkelberger

Nays 0

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Starkey for a public hearing to be held by said Town Board on February 8<sup>th</sup>, 2024, at 7:00 p.m. at the Starkey Town Hall, 40 Seneca Street, Dundee, New York, to hear all interested parties on proposed amendments to the Sub-Division Regulations; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Starkey, on January 27<sup>th</sup> and February 7<sup>th</sup>, 2024, and all other notices required by law to be given were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on February 8<sup>th</sup>, 2024, at 7:00 p.m. at the Starkey Town Hall, 40 Seneca Street, Dundee, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed amendments to the Sub-Division Regulations, or any part thereof; and

**WHEREAS**, the Town Board of the Town of Starkey, after due deliberation, finds it in the best interest of the Town of Starkey to adopt said proposed amendments to the Sub-Division Regulations.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Starkey hereby adopts said proposed amendments to the Sub-Division Regulations of 2024, entitled, "Sub-Division Regulations Amendments, including Cluster Sub-Division", a copy of which is attached hereto and made a part of this resolution, and be it further

**RESOLVED**, that the Town Clerk be, and she hereby is directed to enter said proposed amendments to the Sub-Division Regulations in the minutes of this meeting and in the Local Ordinance Book of the Town of Starkey, and to give due notice of the adoption of said regulation.

I, Candace Iszard, Town Clerk of the Town of Starkey do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Starkey on February 8th, 2024, by the following vote:

	Aye	Nay		Aye	Nay
ROLL CALL VOTE: George Lawson	<u>X</u>	___	Caryl Sutterby	<u>X</u>	___
Julie Dunkelberger	<u>X</u>	___	John Socha	<u>X</u>	___
Jeremy Hall	ABSENT				

  
Candace J. Iszard

### 3.500 Cluster or Conservation Subdivisions

#### 3.5-1: Purposes.

In conformance with the Town's Comprehensive Plan, the purposes of cluster or conservation subdivisions are as follows:

1. To conserve open land, including areas containing unique and sensitive natural features such as steep slopes, streams, floodplains, and wetlands, by setting them aside from development.
2. To provide greater design flexibility and efficiency at the site of services and infrastructure, including the opportunity to reduce the length of roads and the amount of paving required.
3. To provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups.
4. To conserve a variety of resources and lands as established in the Town of Starkey Comprehensive Plan.
5. To protect agricultural areas by conserving blocks of land large enough for continued agricultural operations.
6. To create neighborhoods with direct visual or physical access to open land and that have strong neighborhood identity that is consistent with the rural character of Starkey.
7. To provide standards reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties.
8. To conserve elements of the Town's rural character, and to minimize views of new development from existing roads

#### 3.5-2: Applicability; Uses; Density.

1. Applicability.
  - a. The Planning Board shall allow application of a clustering or conservation subdivision design on all contiguous parcels of land where four or more parcels are proposed to be subdivided, either now or in the future. When two or more parcels are combined, a cluster subdivision shall occur if their combined area is 20 acres or more. The Planning Board may require a cluster design on a parcel smaller than 20 acres if, in the judgement of the Board, unusual characteristics of the specific lot make it advisable; and may in any case consider a cluster design on such a parcel if the applicant so desires.
  - b. Minimum lot size to be considered for cluster subdivision shall be greater than 5 acres.
  - c. When an applicant includes only a portion of the landowner's entire tract, a sketch plan according to this article shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan at this stage shall not constitute approval of the future subdivision shown thereon.
2. Uses.
 

Permitted, accessory and special permit uses within a cluster or conservation subdivision shall be the same as those otherwise allowed in the zoning district in which the development is located.
3. Density.
 

The permitted number of dwelling units shall not exceed the number of units that would be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Town of Starkey Zoning Law applicable to the district[s] in which such land is situated and conforming to all other requirements of the Town of Starkey Zoning.

#### 3.5-3: Design process.

1. Once the maximum permissible number of lots in a cluster or conservation subdivision has been established, the next step is to create a design layout. This layout shall include an identification of primary and secondary conservation lands within a parcel(s), which includes those elements most highly valued by the community.
2. Sketch plan. A sketch plan shall be submitted by the applicant as a diagrammatic basis for informal discussions with the Planning Board regarding the design of a proposed subdivision or land development. The purpose of a sketch plan is to facilitate an expedient review of proposed new subdivisions in conformance with the Town Zoning Law and Comprehensive Plan. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Board, the sketch plan shall include an Existing Resources Map and Site Analysis Plan including the information listed below.
  - a. Slopes: slopes of 15% or greater.
  - b. Water resources: wetlands, aquifer, and aquifer recharge areas, if known, municipal water supply areas, flood-prone areas as shown on Federal Emergency Management Agency maps and streams.
  - c. Agricultural lands: active farmland within a New York State-certified agricultural district, or lands within 500 feet of a New York State-certified agricultural district, or soils classified in Groups 1 to 5 of the New York State Soil Classification System.
  - d. Community water and/or sewer: sites where community sewer, community water, or community water and sewer are available or planned.
  - e. Critical environmental areas: lands within or contiguous to a critical environmental area designated pursuant to Article 8 of the Environmental Conservation Law.
  - f. Designated open space areas: lands contiguous to publicly owned or designated open space areas, or privately owned designated natural areas.
  - g. Historic structures and sites: historic structures or areas of National, State or Local importance.
  - h. Scenic viewsheds and special features including land conservation zoning districts: sites bordering or in known scenic locations identified in the Town's Comprehensive Plan, or zoning districts within the zoning ordinance.

- i. Significant natural areas and features: areas with rare vegetation, significant habitats, or habitats of endangered, threatened, or special-concern species as determined by the New York Department of Environmental Conservation (Natural Heritage Program): mature forests over 100 years old; locally important vegetation; or unique natural or geological formations.
  - j. Trails: existing and potential trails, bikeways, and pedestrian routes of Town, State or County significance.
  - k. Recreation: lakes, ponds or other significant recreational areas, or opportunities or sites designated in the Town's Comprehensive Plan.
  - l. Existing Resources and Site Analysis Plan: shall be prepared to provide the developer and the Planning Board with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be generally described based on existing published data available from governmental agencies, or from aerial photographs.
  - m. Topography: the contour lines of which shall be at two-foot intervals. A separate overlay map, and a map with contour lines at ten-foot intervals shall be provided if the topography lines are too close together on-site plan to clearly make out all specific design elements.
  - n. General locations of vegetative cover conditions: on the property according to general cover type, including cultivated land, grassland, old field, hedgerow, woodland and wetland, isolated trees with a caliper more than 12 inches, the actual canopy line of existing trees and woodlands.
  - o. Ridge lines: existing on the property shall be identified.
  - p. Man-made improvements: the location and dimensions of all existing streets, roads, buildings, and utilities, etc.
  - q. Historically significant sites or structures: locations of all sites or structures on the tract and on any abutting tract.
  - r. Easements and other encumbrances: property of record which are or have been filed with the Yates County Clerk's office shall be shown on the plan.
3. Preliminary plan documents. A preliminary cluster or conservation subdivision plan shall consist of and be prepared in accordance with the following requirements, which are designed to supplement and, where appropriate, replace the requirements of the Starkey Subdivision Law:
- a. Preliminary plan. The submission requirements for a preliminary plan include the requirements for sketch plans listed in 3, above and the submission requirements of 3.2 in the Town of Starkey Subdivision Ordinance. The Planning Board shall review the plan to assess its accuracy and thoroughness. Unless otherwise specified by the Planning Board, such plans shall generally be prepared at the scale of one-inch equals 100 feet or one-inch equals 200 feet, whichever would fit best on a single standard-size sheet (24 inches by 36 inches).
4. Four-step design process for cluster subdivisions.
- All sketch plans shall include:
- Preliminary Plan Documentation with the four-step design process in determining the layout of proposed open space lands, house sites, streets, and lot lines, as described below.
- Step 1: Delineation of open space lands. Proposed open space lands shall be designated using the Existing Resources and Site Analysis Plan as a base map. Primary conservation areas shall be delineated comprising streams, lakefront, floodplains, wetlands, and slopes over 15%. In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed open space, in consultation with the Planning Board to create a prioritized list of resources to be conserved. Based on those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated to meet at least the minimum area percentage requirements for open space lands and in a manner clearly indicating their boundaries as well as the types of resources included within them. Calculations shall be provided indicating the applicant's compliance with the acreage requirements for open space areas on the tract. The result is the potential development area.
- Step 2: Location of house sites. Potential house sites shall be tentatively located, using the proposed open space lands as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan. House sites should generally be located not closer than 100 feet to primary conservation areas and 50 feet to secondary conservation areas, taking into consideration the potential negative impacts of residential development on such areas as well as the positive benefits of such locations to provide attractive views and visual settings for residences.
- Step 3: Alignment of streets and trails. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards identified herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Existing and future street connections are encouraged to eliminate the number of new cul-de-sacs to be maintained by the Town and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Cul-de-sacs are appropriate when they support greater open space conservation or provide extensive pedestrian linkages.
- Step 4: Drawing of the lot lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.
- \*Note on the four-step site design process for hamlets and adjoining villages. The design process for developing cluster subdivisions in or adjacent to hamlets and villages shall be a variation on the four-step process for conservation subdivisions, as described herein. In hamlets and near villages, where traditional streetscapes and terminal vistas are of greater importance, Steps 2 and 3 may be reversed, so that streets and squares are located during the second step, and house sites are located immediately thereafter. The first step is to identify open space lands, including both primary and secondary conservation areas.
5. Dimensional standards. Within the framework of limitations set forth in this section of this article, the Planning Board shall establish, on a case-by case basis, the appropriate modifications of lot, bulk, and other requirements which it has determined are necessary or appropriate to properly accomplish the purposes of this article. Lots shall be arranged in a way that preserves open space as conservation areas, as described in this section and 3 through 5.
- a. Minimum required open space. In all zoning districts, a cluster or conservation subdivision must preserve at least 50% of the tract's developed acreage as open space land. Parking areas and roads shall not be included in the calculation of the minimum required open space.
  - b. Minimum Street frontage: 20 feet.
  - c. Yard regulations. The builder or developer is urged to consider variations in the principal building position and orientation but shall observe, as practical, the following minimum standards:
    - (1) Front yard: 20 feet.
    - (2) Rear yard: 40 feet.
    - (3) Side yard: thirty-feet separation for principal buildings, with no side yard less than 10 feet.
    - (4) Lakefront: lakefront lots shall meet minimum requirements of the zoning district. Lakefront lots which are a part of the non-buildable portion of the cluster subdivision being retained as open space shall have a minimum of 100' of lake frontage.
  - d. Maximum impervious coverage. No more than 35% of any given acre shall be covered with impervious surface in the form of access drives, parking areas or structures.
  - e. Minimum lot size. The minimum lot size for developments in fee simple ownership shall be equal to that required by the Yates County Department of Health to meet standards for water and septic system approvals.

## 6. Open space standards.

- a. The required open space land consists of a combination of primary conservation areas and secondary conservation areas. The proposed subdivision design shall strictly minimize disturbance of these environmentally sensitive areas. Primary conservation areas shall be included in the required open space area to the greatest extent practical. The applicant shall also demonstrate that such features will be protected by the proposed subdivision plan. Secondary conservation areas include special features of the property that would ordinarily be overlooked or ignored during the design process, such as agricultural lands, woodlands, significant natural areas and features, stone walls, hedgerows, meadows, historic structures and sites, historic rural corridors, scenic viewsheds, and trails. Secondary conservation areas shall be included in the required open space area to the greatest extent practical such that protecting these resources will, in the judgment of the Planning Board, achieve the purposes of this section.
- b. Open space lands shall be laid out in general accordance with the Town's Comprehensive Plan to better enable an interconnected network of open space.
- c. Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the tract, by a setback of at least 200 feet, if practical. No clearing of trees or understory growth shall be permitted in this setback (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Planning Board may require that vegetative screening be planted or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.
- d. Open space land should generally remain undivided. No individual parcel of common open space shall be less than one acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection.
- e. No portion of any house lot may be used for meeting the minimum required open space land unless encumbered with a restriction.
- f. The required open space may be used for underground drainage fields or for individual or community septic systems.
- g. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utilities. However, land within the rights-of-way of high-tension power lines shall not be included as comprising part of the minimum required open space.

## 7. Evaluation criteria.

- a. House lots shall not encroach upon primary conservation areas, and their layout shall respect secondary conservation areas.
- b. Views of house lots from exterior roads and abutting properties shall be minimized using changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements, if applicable, of the Zoning Law and Subdivision Regulations.
- c. House lots shall generally be accessed from interior streets, rather than from roads bordering the tract. New intersections with existing public roads shall be minimized. Although two accessways into and out of subdivisions containing 20 or more dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow or unduly impact the environment.
- d. At least 3/4 of the lots shall directly abut or face conserved open space, if practical.
- e. The Planning Board shall evaluate proposals to determine whether the proposed layout:
  - (1) Protects all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction.
  - (2) Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
  - (3) Sites dwellings on the least prime agricultural soils, or in locations at the edge of a field, as seen from existing roads if development is on open fields.
  - (4) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. A deep no-build, no-plant buffer is recommended along the road where those views or vistas are prominent or locally significant.
  - (5) Maintains or creates a buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds.
  - (6) Designs around existing hedgerows and tree lines between fields or meadows and minimizes impacts on large woodlands greater than five acres.
  - (7) Designs around and preserves sites of historic, archeological, or cultural value insofar as needed to safeguard the character of the feature.
  - (8) Provides open space that is reasonably contiguous.
  - (9) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the New York State Department of Environmental Conservation.

## 8. Streets and driveways.

- a. Common driveway access may be provided. A pedestrian circulation and/or trail system may be designated and installed sufficient for the needs of residents, as deemed practical by the Planning Board.
- b. Cluster/conservation subdivision streets shall meet the Town street specifications. Where appropriate, the Planning Board shall work with the Town Highway Superintendent to ensure that the Town of Starkey's street specifications, normally applicable to conventional subdivisions, do not impact or detract from the rural and environmental character of a cluster or conservation subdivision.
- c. From an aesthetic and speed control perspective, curving roads are preferred in an informal rural cluster to avoid long straight segments. Shorter straight segments connected by bends of 90° and 135° are preferred in a more formal or traditional arrangement.
- d. Whenever appropriate, street systems should produce terminal vistas of open space in accordance with the conservation emphasis of the subdivision design and to positively contribute to the Town's open space goals.
- e. The use of reverse curves should be considered for local access streets in cluster subdivisions in conjunction with long horizontal curve radii (at least 250 feet) and where traffic speeds will not exceed 30 miles per hour.
- f. Single-loaded streets are encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.
- g. Landscape common areas and both sides of new streets with native species of shade trees.

3.5-4: Open space protection; maintenance standards.

## 1. Permanent protection of open space.

- a. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through one of the following:
  - (1) A conservation easement in a form acceptable to the Town and recorded at the County Clerk's office.
  - (2) A declaration of covenants or deed restriction, in a form acceptable to the Town and recorded in the County Clerk's office, where a conservation easement has been shown not to be practicable.

- b. The conservation easement, declaration of covenants or deed restriction shall restrict development of the open space and allow the use of such space only for agriculture, forestry, recreation, or similar purposes. The Planning Board, with the advice of the Town Attorney, shall approve the form and content of any easement, declaration, or restriction. The restriction shall be made a condition of the final plat approval. A conservation easement will be acceptable if:
  - (1) The conservation organization is acceptable to the Town and is a bona fide conservation organization as defined in Article 49 of the New York State Environmental Conservation Law.
  - (2) The conveyance contains appropriate provisions for proper reversion or retransfer in the event that the conservation organization or the Town of Starkey becomes unwilling or unable to continue carrying out its functions.
  - (3) A maintenance agreement acceptable to the Town is established between the owner and the conservation organization or the Town of Starkey to insure perpetual maintenance of the open space.
  - (4) The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.
- c. Open space land may be held in any form of ownership that protects its conservation values, such as where the open space is owned in common by a homeowners' association (HOA). Open space may also be dedicated to the Town, County, or State governments, transferred to a nonprofit organization, or held in private ownership. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation or agricultural value of such open space land.
  - (1) If the open space is to be owned by an HOA, the HOA must be incorporated before the final subdivision plat is signed. The applicant shall provide the Town with a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
  - (2) The open space restrictions must be in perpetuity.
  - (3) If land is held in common ownership by a homeowners' association, such ownership shall be arranged in a manner that real property tax claims may be satisfied against the open space lands by proceeding against individual owners and the residences they own. The HOA must be responsible for liability insurance, local taxes, and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs.
  - (4) The Planning Board shall find that the HOA documents satisfy the conditions stated above.
  - (5) Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners in title, with voting of one vote per lot or unit, and the subdivider's control, therefore, passing to the individual lot/unit owners on the sale of the majority, of the lots or units.
  - (6) The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
  - (7) The association shall be responsible for liability insurance, local taxes and maintenance of open space land, recreational facilities and other commonly held facilities.
  - (8) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the Town no less than 30 days prior to such event.
  - (9) The association shall have adequate resources to administer, maintain, and operate such common facilities.

## 2. Maintenance standards.

- a. The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues or special assessments.
- b. Failure to adequately maintain the undivided open space in reasonable condition is a violation of the Zoning Law. Upon appropriate authority or process, the Town may enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development and shall, if unpaid, become a tax lien on such property.

## 3.5-5: Future subdivisions.

The Town of Starkey has determined that piecemeal subdivision of large properties where a small number of individual lots are subdivided off to circumvent major subdivision regulations will have a detrimental impact on neighborhood character, preservation of open space and agricultural lands, and the ability to provide traditional streetscapes and/or pedestrian networks. Therefore, where four or more lots are subdivided from any parcel within a two-year period, the fourth lot shall be deemed a major subdivision.

## 3.5-6: Sewage treatment systems.

Sanitary sewage disposal systems of either an individual or community nature may be located within or extend into required open space areas, provided that subsurface sewage disposal methods are employed, all required separation distances are observed, and the ownership and maintenance responsibilities associated therewith are clearly defined in agreements submitted for approval as part of the subdivision application. No application shall be approved that does not provide lot buyers with both the legal authority, and the responsibility, individually or collectively, to maintain all sewer facilities on a continuing basis. This may include the creation of a special district under Articles 12 and 12-A of New York State Town Law.



**No. 11-2024****Standard Workday and Reporting for Titles**

Motion By: Julie Dunkelberger

Seconded by: Caryl Sutterby

**WHEREAS**, the Town Board of the Town of Starkey desires to develop and implement a Standard Workday and Reporting Resolution for these titles and will report the officials to New York State and Local Employees' Retirement System based on their record of activities.

**Sec. 1** That an eight (8) hour workday be established as a standard workday for retirement purposes for the following positions:

- Superintendent of Highway Department
- Deputy Superintendent of Highway Department
- Motor Equipment Operator- Light (MEOL)
- Motor Equipment Operator- Heavy (HEO)
- Laborers

**Sec. 2** That a six (6) hour workday be established as a standard workday for retirement purposes for the following positions:

- Supervisor
- Code Enforcement Officer
- Cleaner
- IT Specialist
- Councilperson
- Clerk
- Deputy Clerk
- Town Justice
- Court Clerk

**WHEREAS**, the Town Board has reviewed the draft of said The Standard Workday and Reporting Resolution and

**BE IT RESOLVED** this 8th day of February 2024 has been adopted as the Standard Workday and Reporting of the Town of Starkey.

	Aye	Nay		Aye	Nay
ROLL CALL VOTE: George Lawson	<u>  X  </u>	<u>      </u>	Caryl Sutterby	<u>  X  </u>	<u>      </u>
Julie Dunkelberger	<u>  X  </u>	<u>      </u>	John Socha	<u>  X  </u>	<u>      </u>
Jeremy Hall	ABSENT				

I, Candace J. Iszard, Clerk of the Town of Starkey, of the State of New York, certify that the full Town of Starkey Council consists of   5   members, and that   4   of such members were present at such meeting and that   4   of such members voted in favor of the above resolution.

  
Candace J. Iszard

**No. 12-2024**

**Support For Funding from the New York State Archives Local  
Government Records Management Improvement Fund**

Motion By: George Lawson

Seconded by: Caryl Sutterby

**WHEREAS**, Yates County intends to apply for a Local Government Records Management Improvement Fund Grant (LGRMIF) from the NYS Archives, through the New York State Department of Education, for monies to continue its efforts to increase efficiencies in delivery of local services and through shared services and support related to records management systems; and

**WHEREAS**, the Town Board of the Town of Starkey supports Yates County in pursuing funding through the LGRMIF and looks forward to the opportunity for shared services and inter-municipal cooperation which results in savings and record availability for its constituents and

**WHEREAS**, the Town of Starkey anticipates cooperating with and joining in future shared services offered and or supported by Yates County whenever feasible.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Starkey does hereby fully support Yates County in its pursuit and application for funding for shared services through the LGRMIF grant.

**BE IT RESOLVED** this 8th day of February 2024 has been adopted as the Support for Funding



from the New York State Archives Local Government Records Management Improvement Fund of the Town of Starkey.

	Aye	Nay		Aye	Nay
ROLL CALL VOTE:					
George Lawson	<u>X</u>	___	Caryl Sutterby	<u>X</u>	___
Julie Dunkelberger	<u>X</u>	___	John Socha	<u>X</u>	___
Jeremy Hall	ABSENT				

I, Candace J. Iszard, Clerk of the Town of Starkey, of the State of New York, certify that the full Town of Starkey Council consists of 5 members, and that 4 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution.

Candace J. Iszard  
Candace J. Iszard

#### **No. 13-2024 Authorization to Sign LGRMIF Grant Shared Service Agreement Form**

On a motion by Julie Dunkelberger, Councilperson and seconded by Caryl Sutterby, Councilperson, the following resolution was ADOPTED.

Ayes 4 George Lawson, John Socha, Caryl Sutterby, Julie Dunkelberger  
Nays 0

RESOLVED that the Town of Starkey does hereby authorize George Lawson, Supervisor to sign the LGRMIF Grant Shared Service Agreement to enter into a shared services with Yates County for the application of the LGRMIF Grant for records management.

#### **No. 14-2024 Authorization to Starkey Point Drainage Easement**

On a motion by George Lawson, Supervisor and seconded by Julie Dunkelberger, Councilperson, the following resolution was ADOPTED.

Ayes 4 George Lawson, John Socha, Caryl Sutterby, Julie Dunkelberger  
Nays 0

RESOLVED that the Town of Starkey does hereby authorize George Lawson, Supervisor to sign the Drainage Easement for Starkey Point Road that follows:

THIS EASEMENT is made this 2 day of February 2024, by and between the **Somerset Cove Inc.**, having an address of 14 Starkey Point Road, Dundee, New York, hereinafter referred to as the "Grantor"; and the **Town of Starkey**, a municipal corporation, having its main office at 40 Seneca Street, Dundee, New York, hereinafter referred to as the "Grantee".

The Grantor is the owner of certain premises located at 14 Starkey Point Road in the Town of Starkey, Yates County, New York, bearing tax account parcel number 115.37-1-1, hereinafter referred to as the "Premises."

The Grantee is a municipal corporation which has determined that it is necessary for Town of Starkey purposes to obtain a drainage easement over a portion of the Premises as more fully described on Schedule A attached hereto, hereinafter referred to as the "Easement Area".

The Easement Area is part of the Premises conveyed to Grantor by deed recorded in the Yates County Clerk's Office in Liber 388 of Deeds at Page 7.

In consideration of One Dollar (\$1.00), which has been waived, the mutual covenants set forth herein and other good and valuable consideration, the parties agree as follows:

The Grantor hereby grants, releases and conveys to the Grantee, its successors, assigns or special districts forever, a permanent drainage easement over the Easement Area to construct, maintain, reconstruct, repair, use, lay, place and remove one or more ditches or swales with improvements, one or more drainage ponds, lines of pipe and appurtenances thereto for the collection, transmission, transportation and distribution of water, drainage structures and other drainage features, including but not limited to, culverts, open channels, stream beds and banks, gabions, riprap, and other erosion control features and utilities with ingress and egress to construct, reconstruct, maintain, repair, replace, remove, use, operate and alter the same from time to time as the Grantee may decide or require upon, along, under through and across the Easement Area. Together with all of the rights, privileges and appurtenances incident and necessary to the enjoyment of this easement and right-of-way.

To have and to hold the easement and right-of-way unto the Grantee and its successors and/or assigns forever.

The Grantee shall have the right and privilege at any time to enter upon and temporarily use an additional strip of land ten (10) feet in width immediately adjacent to each side of the permanent easement granted herein. At the termination of a temporary occupancy hereby authorized, the Grantee will restore, at its expense, the lawn and shrubbery of the Easement Area and the area of the Premises so temporarily used only to as reasonably good condition as before insofar as it is feasible or reasonable to make such restoration.

Grantor for itself, its agents, distributees, successors and assigns covenants and agrees that no buildings or structures shall be constructed, nor trees planted, nor shall changes be made to the grade of the land within the Easement Area nor shall there be any excavating, filling, mining or blasting within the limits of said Easement Area without the prior written consent of the Grantee.

The Grantee, its successors, assigns, agents or contractors, may at any time remove all obstructions from the Easement Area, including trimming or removal of trees and shrubs, which it reasonably determines are interfering with the operation, use or maintenance of the drainage facilities or any part thereof without liability to the Grantor.

Grantor warrants that it has good and marketable title to the Premises, free from all liens or encumbrances, and the right to create this easement for the benefit of the Grantee. Grantor covenants that the Grantee shall quietly enjoy this easement and shall forever warrant and defend title against all claims against the Premises.

The parties have executed this easement on the day and year first above written.

Somerset Cove, Inc.

Town of Starkey

By: Mark H. Tremblay  
PRESIDENT, [Title]

By: George Lawson  
George Lawson, Supervisor

STATE OF NEW YORK]

COUNTY OF YATES] ss:

On the 2<sup>nd</sup> day of February, 2024, before me, personally appeared **George Lawson**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the entity upon behalf of which the individual acted, executed the instrument.

Christine M Sutherland  
Notary Public

CHRISTINE M SUTHERLAND  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01SU6231667  
Qualified in Yates County  
Commission Expires NOVEMBER 29, 2026

STATE OF NEW YORK]

COUNTY OF YATES] ss:

On the 2<sup>nd</sup> day of February, 2024, before me, personally appeared Mark Harold Tremblay, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signatures on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

Cheryl A. Wood  
Notary Public

CHERYL A WOOD  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01WO6231489  
Qualified in Yates County  
Commission Expires NOVEMBER 29, 2026

**SCHEDULE A**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Starkey, County of Yates, and State of New York, bounded and described as follows:

Commencing at the point of intersection of the northwesterly highway boundary of Starkey Point Road and the southernmost property line of tax account parcel number 115.37-1-1 and proceeding northeasterly along such northwesterly highway boundary 45 feet to the point of beginning; thence

1. Northwesterly, through the lands of tax account parcel number 115.37-1-1, along a line measured perpendicular to the northwesterly highway boundary of Starkey Point Road, a distance of 30 feet to a point; thence
2. Northeasterly, through the lands of tax account parcel number 115.37-1-1, along a line 30 feet northwesterly of and parallel to the northwesterly highway boundary of Starkey Point Road, a distance of 110 feet to a point; thence
3. Southeasterly, through the lands of tax account parcel number 115.37-1-1, along a line measured perpendicular to the northwesterly highway boundary of Starkey Point Road, a distance of 30 feet, more or less, to a point on the northwesterly highway boundary of Starkey Point Road; thence
4. Southwesterly, along the northwesterly highway boundary of Starkey Point Road to the point and place of beginning.

**No. 15-2024****RESOLUTION INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING**

Motion By: George Lawson

Seconded by: Julie Dunkelberger

**WHEREAS**, the Town Board of the Town of Starkey, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

**WHEREAS**, the Town Board of the Town of Starkey has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Starkey to proceed in accordance with the Code of the Town of Starkey and the Laws of the State of New York in adopting said Local Law,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on March 14, 2024, at 7:00 p.m. at the Starkey Town Hall, 40 Seneca Street, Dundee, New York; and be it further

**RESOLVED**, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

**RESOLVED**, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Starkey sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Starkey for its consideration; and be it further

**RESOLVED**, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

I, Candace Iszard, Town Clerk of the Town of Starkey do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Starkey on February 8, 2024, by the following vote:

	<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>
ROLL CALL VOTE: George Lawson	<u>X</u>	___	Caryl Sutterby	<u>X</u>	___
Julie Dunkelberger	<u>X</u>	___	John Socha	<u>X</u>	___
Jeremy Hall	ABSENT				

  
Candace J. Iszard

The minutes of this meeting will be offered for approval at the next regular Town Board meeting, March 14, 2024, at 7:00 PM. The meeting was adjourned at 8:20 PM by George Lawson.



Candace J. Iszard, Starkey Town Clerk