

**Town of Starkey  
Planning Board Meeting  
March 5<sup>th</sup>, 2024**

**Board Attendance Present:**

Steven Fulkerson, Chairperson  
Tim Sanavaitis, Vice Chairperson  
Nowel Faus, Councilperson  
Christine Hopple, Councilperson

Gwen Chamberlain, Councilperson  
Rivka Davis, Councilperson  
James "Jim" Kroetch, Councilperson

**In-person Attendees:**

Brian Shriver, Code Officer  
George Lawson (Supervisor)  
Marc Kenward (Erdman Anthony Engineer)  
Dean Schuler (Neighbor)  
Leslie Prevost  
Trevor Grantz (Erdman Anthony Engineer)  
Jane Lawson

Samantha Clark (Secretary)  
Wilfred Nieves (New Leaf Energy, Project Developer)  
Aimee Churchill (Seneca Shores LLC Attorney)  
Linda Shuler (Neighbor)  
Ronald Prevost  
William Lawson  
Rich Labbe

**Zoom Attendees:**

Zach Longo  
Robert Cooke  
Peter Corash

Kasey Rose (Erdman Anthony Engineer)  
Carolyn Brown  
Adam R

**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. The minutes of the February 6<sup>th</sup>, 2024, regular meeting of the Town of Starkey Planning Board was approved as amended. A motion made by Rivka Davis, Councilperson, seconded by Jim Kroetch, Councilperson.

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

**Steven Fulkerson, Chairperson opened the Public Hearing for Seneca Shore LLC and Peter & Melissa Brewer-Corash at 7:33PM:**

**Application #: 2024-PB-1      Location: Tax Map #121.04-1-37**

**Owner: Seneca Shore LLC and Peter & Melissa Brewer- Corash**

Aimee Churchill representing Seneca Shore LLC explained to the public what they were looking to do. The property is almost a 13-acre parcel, currently the parcel is owned by two different couples, they are looking to split ownership into two separate parcels, about 6 acres each.

**Board Discussion:** Steven Fulkerson stated he noticed there was abutment at the west side of the north parcel to black walnut. He asked if there were any plans for there to be access from black walnut? Rivka Davis, Councilperson asked if there was a road association for Grape Road and who maintains the road? Rivka Davis, Councilperson asked if the properties were in the flood plain?

**Answers to Boards Questions:** Aimee stated there are no plans for access from black walnut. The access plan is where they come off grape road. There is no road association for Grape Road and the neighbors maintain the road. In the deed it just states that there is a right to use it, the road is reserved, and it is a private road. But there is no agreement for the maintenance. There will be a formal easement both for travel and electricity.

**Public Comments/Concerns/Questions:** No public comment. Steven Fulkerson, Chairperson stated that he did receive a few calls from the public just inquiring about the plans.

**Board Decision:** Motion to approve the subdivision as submitted made by Tim Sanavaitis, seconded by Gwen Chamberlain. No further discussion.

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

**New Business:**

**Application #: 2024-PB-2      Owner: Leslie & Ronald Prevost      Location: 77 Upson Point Rd. Dundee, NY 14837  
Tax Map #128.01-1-8.111**

Leslie stated they would like to do a short-term rental this year, while enjoying the property themselves.

**Board Discussion:** Rivka Davis, Councilperson asked if there was a road association? Steven Fulkerson, Chairperson asked if there were any restrictions of short-term rentals with the road association? Steven Fulkerson Chairperson asked Brian Shriver, Code Officer if the septic was up to date for a 3 bedroom? Steven Fulkerson, Chairperson asked who the property manager would be? Rivka Davis, Councilperson stated the short-term rental permit states the property manager would need to be someone local. Tim Sanavaitis, Councilperson asked if the renters would have lake access?

**Answers to the Board Questions:** Leslie stated that there a road association, they are members of it. She stated there are no restrictions on short term rentals within the road association. Brian Shriver, Code Officer stated the septic was up to date. Leslie stated the renters will have access to the lake.

**Steven Fulkerson, Chairperson set a public hearing for April 2<sup>nd</sup>, 2024, at 7:33PM.**

**Application #: 2024-PB-3 Owner: Roth Enterprise ROC LLC**

**Property Location: 4141 State Route 14 Dundee, NY 14837 Tax Map # 107.02-1-33.122**

Finger Lakes Beer Company LLC would like to have a special use permit to open a Brewery tasting room and kitchen. They are proposing to be open Sunday-Wednesday 11AM to 8PM and Thursday-Saturday 11AM to 9PM.

**Discussion:** Rivka Davis, Councilperson stated she could not read the map that was sent. Steven Fulkerson, Chairperson stated it was previously a commercial building, he proposed a question. Because this was a previous commercial building, Would the board consider this to continue to be commercial? Rivka Davis, Councilperson questioned if there would be an expansion? Rivka Davis, Councilperson asked how long ago the previous tasting room stopped being in use? Rivka stated if it has lapsed 15 years, then they need to go through the process with this application. Rivka Davis, Councilperson stated the use is for the current building and asked what the newer buildings will be used for? Rivka Davis, Councilperson asked what the total acreage of the property is? Steven Fulkerson, Chairperson stated the total parcel is 18.5 acres. Steven Fulkerson, Chairperson stated they need part 1 SEQRA before they can move forward.

**Answers to Board Discussion:**

Co- Owner Rich Labbe stated that there wouldn't be any expansion. That is under Roth Enterprises. They partnered with Roth Enterprises to purchase this property. They are working together to bring a similar concept like Three- Brothers. Rich stated he was not sure when the previous tasting room stopped being in use. The new buildings will be used for storage as of right now. Rich is not sure what the total acreage of the property is, but the lot size they will be leasing is about 6 acres. Both driveways will stay the way they currently are.

**SEQRA will be provided at the next meeting on April 2<sup>nd</sup>, 2024.**

**Application #: 2024-PB-4 Owner: Adam Rosinski**

**Property Location: 4424 Juniper Point Rd. Dundee, NY 14837 Tax Map # 107.76-1-2**

Adam Rosinski would like to have a Special Use Permit for a short-term rental. The property was a short-term rental when Adam purchased the property. But it was un-permitted.

Is there are road associations? Are you a member of the road association? Are there any restrictions for short-term rentals? Rivka Davis, Councilperson stated she had some trouble looking at the maps provided. She stated the road appeared to end short of this property. Steven Fulkerson, Chairperson asked if it was just a large right of way from where the road appears to end?

**Answers to Boards Questions:** Yes, there is a road association. Yes, He is a member of said road association and no there are no restrictions. Adam stated there is a right of way to his property.

**Steven Fulkerson, Chairperson accepts the application as complete and set a public hearing for April 2<sup>nd</sup>, 2024, at 7:35PM.**

**Old Business:**

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

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

**Yates County Decision:**

Steven Fulkerson, Chairperson stated there was not a quorum at the Yates County Planning Board meeting. The Yates County Planner was able to make a decision on behalf of the board based on the Yates County Legislative resolution # 71-18. The Planner moved that the application had no county wide impact.

**Board Discussion regarding Public Comments/Questions/ Concerns:**

Screening concerns- Steven Fulkerson, Chairperson stated the view from the panels will block the viewshed completely. Screening would not help the viewshed. The original proposal the neighbor was pitched had no panels in their viewshed. He stated the Town's Comprehensive plan states they want to protect the scenic and open space resources. The Board needs to weigh our goals and sustainability residential development as well as agricultural and open space resource protection to see if they are appropriate and that they will not diminish from the character of the town described in the comprehensive plan. Rivka Davis, Councilperson asked if it was a specific portion of the solar panels that were blocking the viewshed? Is it possible to allow most of the proposal, while eliminating the portion that is blocked? Steven Fulkerson, Chairperson had showed the board the map that he highlighted. Tim Sanavaitis, Councilperson asked what the difference between these panels and trees would be? Jim asked what the difference between the panels and a barn being built would be? William Neives, New Leaf Energy stated they were working on an alternative plan. Looking at how many arrays they could take off. Marc Kenward, Engineer stated that they are also looking at an idea of a shorter maximum height of 10 feet. Marc Kenward, Engineer stated they moved the transformers to address the noise concern, they are going to take the next several weeks to look at different plans to revise. Steven Fulkerson, Chairperson tabled the decision for April 2<sup>nd</sup>.

**Application #: 2023-PB-27 Owner: Lloyd & Sally Ann Malloy Starkey Solar #1**

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

**Yates County Decision: The County stated the application as presented has no significant county wide impact.**

**Board Discussion regarding Public Comments/Questions/ Concerns:** Starkey Solar #1 is on the west side of Dundee-Himrod Road and north side of Shannon Corners Road. Steven Fulkerson, Chairperson addressed the traffic concern. He stated it is a county-maintained road that was built for traffic. Rivka Davis, Councilperson asked what direction the trucks would be coming from? Marc Kenward, Engineer stated the trucks will come in off a state road. Steven Fulkerson, Chairperson stated the trucks are typically routed through state and county roads. Steven Fulkerson, Chairperson addressed the concern on telephone poles. To have the poles on the south side of the property the viewshed would be less impacted. Tim Sanavaitis, Councilperson asked how many poles? Marc Kenward, Engineer stated there are 5 poles proposed. The poles must be located close to the interconnection point. William Neives, New Leaf Energy is talking with NYSEG to come up with a solution. Tim Sanavaitis, Councilperson stated having the poles at the proposed location keeps the panels farther from the house. Rivka Davis, Councilperson would suggest the screening along the fence be included and that they consult with Yates County about the species. Steven Fulkerson, Chairperson stated as a municipality the board can require screening where a property owner would want the screening. Steven Fulkerson, Councilperson addressed the concern about the project being 1000 feet away from another adjoining property. He stated the Code Officer stated that it only applies to commercial wind installations. Steven Fulkerson, Councilperson asked the applicant if NYSEG requires them to make upgrades to the grid before they are willing to accept it? New Leaf Energy stated that was correct. Steven Fulkerson, Chairperson stated Starkey Solar #1 does not have any prime soil on it. It takes 65 Acres out of the agriculture inventory of the town for at least 25 years, potentially 45 years. The Town will be working with there Lawyer on the bond agreements. George Lawson, Supervisor stated the Towns perspective would prefer to hold the bond. Decommissioning bond agreement would be worded in a way that inflation over time would be covered. The town will be looking at the PILOT Program. Marc Kenward, Engineer stated the overall footprint might change based on new information they received.

Steven Fulkerson, Chairperson is tabling discussion until the next meeting on April 2<sup>nd</sup>, 2024.

**Application #: 2023-PB-28 Owner: LLOYD & Sally Ann Malloy Starkey Solar #2**

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

**Yates County Decision:** The County has stated the application has a negative county wide impact and they recommend declining this application.

**Board Discussion:** Steven Fulkerson, Chairperson stated the Town Planning Board can override the county decision if they have a super majority vote. Steven Fulkerson, Chairperson stated the county is recommending denial of the application based on the preservation of prime soil. Steven Fulkerson, Chairperson addressed the concern of recycling of panels. He stated it is not the board's decision to recycle panels. Christine Hopple, Councilperson asked if the panels would break when decommissioned? Marc Kenward, Engineer stated the panels would not break, they would still have most of the same structural qualities as when they were installed. They will be disassembled, like reverse engineering. Steven Fulkerson, Chairperson publicly recommends the municipality to state that the panels be disassembled and not destroyed. Rivka Davis, Councilperson stated that maybe it should state in the decommissioning agreement that the company returns the land to a condition in which it can be farmed. Steven Fulkerson, Chairperson stated that the viewshed impacted would be from the pole farm on the northwest of the parcel, as well as the lower properties to the west. The panels may be shortened, which would help with the viewshed. Marc Kenward, Engineer asked for the board to table to decision until next meeting.

Steven Fulkerson, Chairperson, would propose a motion to deny the permit based on the county's recommendation.

Seconded by Gwen Chamberlain, Councilperson.

Steven Fulkerson, Chairperson and Nowel Faus, Councilperson voted to Deny.

Rivka Davis, Councilperson, Tim Sanavaitis, Vice Chairperson, Christine Hopple, Councilperson, Gwen Chamberlain, Councilperson, James "Jim" Kroetch, Councilperson voted to keep moving forward with the application.

Steven Fulkerson, Chairperson adjourned the meeting at 9:56PM.