

## Town of Starkey Planning Board

12 Seneca Street, Dundee, NY 14837

Town of Starkey Planning Board held a Public Hearing and regular meeting in person and via Zoom on Tuesday July, 5 2022 at the Town of Starkey Town Hall, 40 Seneca Street, NY 14837.

### Members present:

Steven Fulkerson, Vice Chairperson

Nowel Faus

Rivka Davis - Zoom

Christine Hopple - Zoom

Bob Schiesser - Zoom

Jim Kroetch

Gwen Chamberlain - absent

### Guests present:

Brian Shriver - Code Official, George Lawson, Town Supervisor  
Frank Gelese(sp), Debra Gleason, Rick & Pam Tierney, Sue Hubbard  
Chuck A.?, Sarah Van Orden Morrow?, Anna Dixon,  
John & Joan Pipher, Fred Shoemaker, Tom & Jami Ford,  
Bob Peelle, Kevin R. Oliver?, Sharon & Rich Ossont, Jack Ossont,  
Aaron Moultrip, Sayre Fulkerson, Mervin Zimmerman,  
Rebecca Ossont, Anthony Weaver, Matthew Harris,  
Karl & Wendy Baker, Mervin Zimmerman, Bob Timmerman,  
Steven Burkholder. Plus 5 people with illegible signatures. Emily G.  
via Zoom.

Steven opened the meeting at 7:32pm. Steve asked if anyone wanted the minutes of the previous meeting read aloud. A member of the audience wanted them read. Steve read the minutes as submitted. There were changes as follows: Naaman Faus should be 4 cabins or less, Regulations should be definitions, and Rivka said we "should" rewrite the campground regulations. Bob motioned to accept the minutes as amended, seconded by Christine, motion carried 6-0.

Public Hearing: 2022-PB-7, John Pipher, Custom Mix Concrete, Inc. 1229 Lowman Road, Lowman, NY 14861 requests a Special Use Permit to construct and operate a custom ready mix concrete plant on property currently owned by Robert A. Timberman III at 6173 State Route 14A, Dundee, NY 14837. Steve asked John Pipher to give an overview of the project to the audience. John explained that he was once a dairy farmer and then got into the ready mix concrete business. He has plants in Chemung, Coopers Plains, and Addison, NY. Steve asked him

to explain the infrastructure of the proposition. John said it will be a new 2022 building with a 4 bay reclaiming area. The air permits are issued by the DEC. Steve read the Special Use Regulations/Definitions. Richard Ossont submitted a list of questions and concerns regarding this proposal. His 1st question was will there be a kiln there. John answered no, the product arrived at the site as a powder. 2. Will he be using "Fly Ash" in your process? John said No not obtainable, there will be filter systems and fans. 3. Richard asked if the other plants are near residential areas and has the Planning Board visited a site. John stated that Lowman is not a heavy residential area, the Addison plant is close to people. The Board members had not visited a site yet. 4. Concerned about neighbors surrounding the location who have limited water supply. How much water will be used daily and also concerned about runoff into Rock Stream Creek that runs into Seneca Lake. John answered it takes about 28-32 gallons of water per yard of concrete so it would be about 400-500 gallons per full load. John stated that they may have to drill an additional well. The project would not use more water daily than a large dairy farm. Richard Ossont believes there should be more research done for public safety. Bob Shiesser asked Steve to read the letter from Joe Campbell of the Seneca Lake Guardian, they believe that this board should table any decision on this application until residents and members of the community have an opportunity to gather additional information and have ample time to review the proposal's impact on truck traffic, air quality, noise, light pollution and possible water pollution.. Steve read the letter. Steve read the Town of Starkey Zoning Regulation definition for Light Industry. Members of the audience believe this project is Heavy Industry. Steve then read the definition for Heavy Industry. Doug Fleet asked if this was DEC approved? John explained that it needs the Town approval first then he goes to the DEC. Steve explained the process of a site plan approval. Doug Fleet is concerned about Rock Stream gully being affected by this project. Pam Tierney asked if they used silicate. John explained what silicate is and silicate is from chipping, pulverizing concrete. What he gets in is dust/powder and limestone. Jami Ford talked about dust. Talked about information in the packet. John says he goes by local Town Laws and DEC Regulations. She asked about washout pits, and John explained how it works. Richard Tierney read the Comprehensive Plan of the Town Law of 2015. He is also concerned about accidents with the mennonite children, emergency vehicle response. John said that they drive the road every day. Jack Ossont followed up with the Town of Starkey Comprehensive Plan which includes preservation of agricultural land. Why weren't other sites considered? Jack read his objections, he believes the business would be good for the area but not in agriculture. Steve explained what the steps the Planning Board requirements are. Jack Ossont wants the Planning Board to table this as Planning Board members have not visited a site. Jami Ford - according to the package there are 28 acres on the site and are they selling only 5 acres? Steve also explained the subdivision process and also noted that if this was approved we would put on the Special Use Permit would only be for the 5 acre site being sold to Mr. Pipher. Rivka added that in addition to the site plan showing buildings etc. that any additional significant changes Mr.

Pipher would have to come back to this board for an amended approval. It would only apply to the approved area, and any significant changes would need to come back before the board. Bob Peele asked this board to table this matter pending further review and information gathering. Pam Tierney asked what would stop him from expanding the business? Again it was noted that he would have to come back before this board for an amended permit. Rick Tierney noted that there are prevailing winds and you can't contain particulates and they can fly to other areas. Fred Shoemaker asked were any of our 5 commercial zones looked at? We want to keep the area rural. Steve again explained the Planning Board's duties. Sharon Ossont noted that water is hard to get. Rivka said the Planning Board discusses the application and any concerns after the Public Hearing. Jack Ossont asked John Pipher if he was a member of BPI (?) John said no. Jack asked about if there are any controls on #25 particulate matter while trucks are idling. John explained that most of his trucks are newer and have filters on them. Aaron Moultron, owner of ACP contracting in Dundee for over 20 years and John and Joan Pipher helped him establish his business, and we are impacted by the inability to get concrete in this area. On a personal note they are very charitable people. Steven Burkholder said we can't get concrete in, we need this industry in this area. Amy Fleet, a lifelong resident stated she is on the fence but within the last 2 years the library building poured lots of concrete. Sarah Vanorden-Marro owns adjoining land and operates a small dairy farm, creamery and there is a lack of water in the area and she is concerned about water, she is not concerned about additional truck traffic. John noted that at this location they will store additional water and conserve and recycle water. State Route 14A keeps our trucks off the Town roads unless we are delivering there. Jami Ford noted that there is not a lot of water in the area. Pam Tierney handed out paperwork on silicosis. Pam asked where the silo would go. John tried to explain the area. John stated that he will have to go to the NYS DOT for a driveway placement. Steve asked about the time the trucks would be idling between and loading and cleaning the trucks before leaving for the site. John tried to explain the maximum time frames. Tom Ford asked about trucks moving aggregates to the location. Steve asked on a typical day how many trucks per day, John tried to explain the approximate number of trucks. Naaman Faus had Custom Ready Mix and they brought their trucks and as I was writing the check he noted that the trucks idling are at a much lower decibel than my tractor. Debra Gleason has concerns about the value of our property. Steve noted that we can speculate on the values of the property. Rivka noted that we are now ½ hour past our normal time allotted for the meetings and we have 2 other applications to work on. Steve asked the board members if they would like to hold open this public hearing until the August 2022 meeting. Bob motioned to hold the public hearing open until the August 2, 2022 meeting, seconded by Rivka, motion carried 6-0.

2022-PB-8, Naaman & Amber Faus, 6156 Peelle Road, Rock Stream, NY 14837, requests a Special Use Permit to have up to 4 off grid rental cabins. Steve noted that he had one phone call

from a lady living on Peelle Road and is concerned about traffic as the delivery drivers are driving very fast on that road. She has a hidden driveway. Steve suggested that she contact the Highway Department for a sign stating "Hidden Driveway". Rivka noted that this proposal was discussed at length at our 2 previous meetings. Temporary residence is 10 or less - was a question from the last meeting. Members discussed the occupancy capacity, needing clarification up to 4 cabins. Brian said there could be up to 4 people per cabin and not more than 10 people total. We might want to give this to the Town lawyer to clarify for 16 people total. Rivka believes capping the number of people per cabin would address the problem with traffic. No more discussion on this use. Rivka moves we accept the application according to the site plan with capping the amount of people to 4 per cabin. Steve would also ask that a Hidden Driveway sign be placed on the property, seconded by Bob. Steve completed part 2 of the Seqr with a negative declaration. Motion carried 5-0-1 with Nowel abstaining pending Town Lawyer review of the temporary residency.

Brian suggested that we do the Public Hearing for Anna Dixon before continuing on with the Custom Ready Mix application. Steve said he will put the Custom Ready Mix application at the end of the agenda.

2022-PB-9, Anna Dixon, 2625 Spencer Road, Rock Stream, NY 14878 requests a Subdivision of her property at 936 Fenno Road, Dundee, NY 14837. She wishes to divide the parcel into 2 separate parcels. Parcel A will be 2.064 acres, Parcel B will be 2.064. Rivka asked if there are any water courses on the property, Brian said no, Rivka asked if this was within 500 ft. from a farm. Brian said yes, Rivka said we then need an Agricultural Data Sheet completed also. Rivka emailed a link of the form to Brian and Steven. Brian will provide the information for the forms.

Steve asked George if there was a water evaluation assessment for that area from Soil & Water, George said not that he knows of. Nowel googled other concrete planets as the public were concerned about farming. There are places with corn planted next to the concrete plants. Steve asked members to view the recording of this meeting. Steve asked for a list of summary of concerns and George said to send a copy of the summary to John so he can review them before the meeting.

Bob said he would go to see a plant, Christine said that she would like to go with him. Steve adjourned the meeting at 10:12pm.

Respectfully submitted,  
Peggy Carr, Clerk  
Town of Starkey Planning Board