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## Town of Starkey Planning Board

40 Seneca Street, Dundee, NY 14837

The Town of Starkey Planning Board held a Public Hearing and Regular meeting on Tuesday June 3, 2020 at the Town of Starkey Town Barn, 656 Dundee Glenora Rd., Dundee, NY 14837. This meeting was also held virtually via Zoom.

Members present:

~~Steven~~ Fulkerson, Chairperson  
~~Bob~~ Schiesser, via zoom  
~~Mary~~ Rose, present  
Sue Knapp, via zoom  
~~Rivka~~ Davis, via zoom  
Bob G, (couldn't connect)

Guests present:

Brian Quackenbush, Code Official  
George Lawson, Town Supervisor  
Candace Iszard, Town Clerk

Erik Pollack, Earl Ray Nolt, Mark Karasz, Rob Neu, Glen Sensenig, Mimi Gridley, Karen Doucette, Bea Ross, Kathryn Chesebrough, Jeanette Dickenson, Sandy Hey Mark Wojtkowiak, Barbara Cook, Matt Romania, Myron Glick, Stephen Styer, Suzanne Patterson, Jeanette Graves, Lloyd Nolt, Kimberly Morton, Michele Allington, Noah Demarest, Rebecca Flynn-Ames, Taylor, Kayak Girl, Jenna Stein, Galaxy Note, Mr. Whitham, Deb Glick all via Zoom or sent letters. Hank Kimball, Sandy Hey, Kevin abd & Ginne Horn, Reane Crowfoot, Ed Worth, John Wagner, Larry Snyder, Jeff Miller, John Socha, Ron Snyder, Mary Beth McCarthy, Wendy Giuliano, Brendon Wheeler, Natiz Groot (couldn't read), Michael Wheeler, Annul Scotbmayo (couldn't read), Roxie Doan, Barry Wixon (guests present),

Chairperson Steve Fulkerson opened the meetings at 7:00pm. Steve explained that the Public Hearings would be heard and decided on at the same time. Steve asked for a motion to waive the reading of the previous month minutes. Mary motioned to waive the reading of the minutes, seconded by Sue, motion carried 5-0.

Old Business:

2020-PB-7, Scenic Homes, LLC, 270 Pine Road, Dundee, NY 14837 requests a Special Use Permit to construct a private home for Short Term Rental on a Private Road at Paradise Dr., Himrod, NY 148 . Steve said he received one phone call from the owner of the Savannah House motel and he is in favor. There were no other comments therefore Steve closed the Public Hearing portion of the application at 7:11pm. Steve motioned to approve the application as submitted, seconded by Mary, motion carried 5-0.

2020PB-3, Matt & Shane Romania, 37 Red Cedar Lane, Dundee, NY 14837 request a Special Use Permit to obtain a Short-Term Rental Permit on a private Road. Mark K. immediate neighbor at



43 Red Cedar Lane is concerned about a commercial use as the deed states no commercial use is allowed and the parking spaces 3 & 4 are on the lawn not in the driveway. Cars parked there are too close to the road, the road is too narrow. Comments on the number of people to be there, he thinks there will be too many. The application does not address Lot A for the lake access – there is no direct access to the lake lot. You have to cross over private lots with a right-of-way. "A" lots have no water, septic or electric. Application does not address Lot A or deed restrictions. Ed Worth, President of the Red Cedar Lane Association is opposed to any Air B&B's being allowed. He has had private communications with property owners and 10 out of 12 say no, 7 said deeds say no to commercial use. Ron Snyder of 41 Red Cedar Lane stated his deed is from the 1980's and cannot be changed states commercial property not allowed. Going by the deeds commercial use not allowed. John Wagner, 47 Red Cedar Lane, 3 houses from the proposed Short-Term Rental, the road repairs come from the home owners not the renters. Matt Romania stated that it is the assumption that the Short-Term Rental is a commercial use needs to be addressed by an attorney. Many residents park in their lawns and they pay their fee to the Road Association. There is a rental on Lakeview Rd., would like to know if their deed says no to commercial. Rebecca Flynn-Ames said if property is landlocked or water locked and there is a right-of way that the property owners can use that to access the lake. There were no further comments. Steve closed the Public Hearing at 7:30pm. Rivka asked if the board hold off on making any decisions until we speak to the Town Attorney regarding the deed restrictions. Steve motioned to postpone, seconded by Sue, motion carried to hold this application over until the July 7, 2020 meeting, 5-0.

2020-PB-6, Mark Karasz, 162 Fir Tree Point Rd., requests an amended Special Use Permit to convert an existing 8'x13' 6" space to a commercial kitchen. There were no comments, Steve closed the Public Hearing at 7:42pm. Rivka noted there is no impact on existing business, it's just an expansion. With no further comments Steve read the criteria for a Special Use Permit. Rivka motioned to approve the application as submitted, seconded by Bob S., motion carried 5-0.

2020-PB-5, Earl Ray Nolt, 1255 Huff Rd., Dundee, NY 14837 request a Special Use Permit for a Dog Kennel with 15 adult dogs. Steven read the Town of Starkey Kennel Regulations. Earl Ray Nolt described this proposed operation. Mary Beth McCarthy stated that the US Humane Society euthanizes 1000's of dogs annually and asks us to deny the application. Janette Dickinson, President of NY Citizens against puppy mills asks if Mr. Nolt has more property with dog kennels, why does he need more. We don't need more puppy mills. Susan Paterson, DVM works with the Nolt family and they take great care of their animals. A high level of dogs go to private homes. The animals at the Nolt's are retired to private homes. She states that she works for Lloyd Nolt and has not met Earl Ray. Bea Ross wants to know about feces disposal. Chairperson Steve Fulkerson stated that per the Town of Starkey regulations the feces are to be composted per USDA and Cornell guidelines. Mr. Nolt stated that they put 2 females in one pen for companionship and are fed twice a day. Sadie Gross wants to know if the dogs have access to grass. Earl Ray takes the dogs out for exercise. Karen Doucette asks why is Lloyd Nolt answering and not Earl Ray. Lloyd said he has raised Labs for 38 years. Karen does not feel the drawings are adequate and is concerned about the welfare of the dogs and the number of dogs.



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Rebecca Ames wants to know what they do with the deceased dogs. Lloyd said they go in the compost pile. They sell them to Endless Mountain Labradors. She asked where this was and Lloyd said it doesn't have anything to do with this application. She asked again how many dogs on the property. Steve clarified again 15 adult dogs. George Lawson, Town Supervisor commented that the Town's Kennel regulations were remodeled, we spoke to area veterinarians about pro's and cons of our regulation. The Town spent a lot of time on this ordinance. George stated he visited Lloyd Nolt's kennel and his dogs are well cared for. Jeanette Graves stated the comments made that a great. Now people are getting these dogs then returning them to shelters. Susanne Paterson DVM said these dogs are of high pedigree and there is a high demand for them. USDA vet assigned to this area. Local vets are the boots on the ground, it's not all about profit. Bea Ross asked again about feces disposal. Steve said the feces is spread on field that are not for human consumption. Steve said it must be properly composted. She wants to know who inspects this to make sure it is done properly. Lloyd Nolt said the dog's hips, elbows, hearts and eyes are inspected by Endless Mountain. A woman asked what happens is a dog is born disabled. Lloyd stated that they are given to people for free through Endless Mountain. Earl Ray stated that regarding Vet Care, the Vet see's the puppies once a month and they are wormed, and vaccinated and the paperwork is verified by the USDA an Ag & Markets. A question was asked how were the kennels chosen that the Supervisor visited. George said there were invited by 2 kennel owners. One was an older kennel and one was a newer one. The Town decided to base the regulations on the newer one. George said they actually went to 4 different kennels. They then asked what the financial benefit to the Town was. George stated none. Steve closed the Public Hearing at 8:50pm. The Yates County Planning Board gets a copy of the application. Board member Sue Knapp has gotten a dog from Endless Mountain and the dogs are great. Rivka noted that in our regulations it is required that all dogs have access to outdoors and sunlight. Mary Rose has been to this location and it is a nice spot. A great deal of work went into updating the Town of Starkey Kennel regulations with a lot of improvements being made to the original regulation. We no further comments Steve read the criteria for a Special Use Permit with a negative declaration. Steve asked for a motion regarding this application. Sue motioned to approve the application as submitted with a note that if there are any changes from 15 adult dogs the applicant must come back before the Planning Board. Seconded by Rivka, motion passed 5-0. Steven noted that the kennel must be up to standards and inspected by the Code Official before dogs are allowed.

New Business: 2020-PB-4, Erik Pollack, 4480 State Route 14, Dundee, NY 14837 requests a subdivision of 35 ½ acre property into 15 ½ acres with the house and divide the remaining 20 acres into 5-acre plots. The division of the parcels would push this into a major subdivision. After much discussion Mr. Pollack decided to just divide the parcel into 2 lots. If and when he decides to parcel off the second lot it will be a major subdivision. A public hearing is scheduled for July 7, 2020 at 7:30.

2020-PB-8, Kate with Whithan Planning for Jose and Donna Medeiros to develop 4793 Red Cedar Lane, Dundee, NY 14837 into Red Cedar Falls Resort. Scott Whitham asked if we can hear them, yes. They gave an overview of their proposal of 11 total buildings. Phase 1 will be 6 units, private units. They showed their conception of the units. Jamie stated the wastewater



treatment/storm water, road access will be built to standards with emergency access. They talked about water/storm water. Use the lay of the land, want to improve the water that comes off the site. Mary Rose has several questions. What's is the maximum capacity on the property not including the restaurant? The restaurant will have a capacity of 300 people at one time. In Phase 1, 35 rooms with up to 100 people, up to 180 when Phase 2 is completed. Mary asked how much water will they be taking from the lake, they said 6500 gal. per day including all water thru system or gray water. He said it goes through water treatment. Mary asked about a power source for the septic. She asked about runoff from cars in the parking lot. He said storm water is collected and treated before going to the lake. Rivka noted that the illustrations from the beachfront regarding the building showed the building very close to the cliff. Yates County Soil and Water will be reviewing the project. Steve asked if it was an archeological site, they explained it is not registered as one. Steve asked if the board had a problem with setting up a public hearing. Steve asked about the Planning Board being the Lead Agency on the project. Applicant said the county could be lead agency or the Planning Board. The applicant said they are sending letters to the neighbors within 500 ft. of the project and will be giving them access to their website so they can see what the proposal is. Steve wants to be the lead agency on this project. Rivka motioned, seconded by Steve that The Town of Starkey Planning Board be the lead agency for this project, motion carried 5-0. A public hear will be scheduled for Tuesday, July 7, 2020 at 7:35pm. Bob S. asked for permission to go on the property as it is posted and the applicants gave permission for members to inspect the property.

2020-PB-10, Mervin Hoover, dba Hoover Doors, 6055 State Route 14, Dundee, NY 14837 requests a Special Use Permit to manufacture outdoor structures in an existing structure that is located in an A-1 Zone. Robert Neu is representing Mr. Hoover. The property is zoned Commercial. Discussion was made and it will need to be heard as a Special Use. Rivka asked about if the use was in an existing building. Yes. Rivka asked about lot lines, needs dimensions of outside storage, parking areas possible water courses. A public hearing is set up for July 7, 2020 at 7:33pm pending Brian's receipt of a completed application is received by June 8<sup>th</sup>.

Other business: Mary has a letter regarding the Janice-Burrows Goff Short Term Rental property on North Glenora Rd. There were renters there and she was not available. The new septic was not installed. Janice said during the meeting that she would be available but was not accessible. We will keep this in mind for the next meeting. Steve adjourned the meeting at 10:20pm.

Respectfully submitted,

Peggy Carr, Clerk  
Town of Starkey Planning Board