

York Planning Board  
August 27, 2025  
Minutes

Present: Joe McIlroy, David Dermody, Zach Kobylanski

Others: Donna Falkner, Kirk Richenberg, Jonathan Witmer, Esq. from Knauf Shaw LLP, Carl Peter, Lisa Sachs, Eric Baumgartner

7:30 pm – Mr. McIlroy led the pledge and asked for motion to approve July 23, 2025 minutes.

**Resolution:**

Mr. Dermody made the motion to approve the July 23, 2025 minutes, Mr. Kobylanski seconded the motion, all in favor, carried.

Ayes 3      Nays 0

Mr. McIlroy referenced training hours still needed.

Privileges of the Floor – Kirk Richenberg – he has some concerns from last meeting although the board members present last month are not here tonight and others present tonight that weren't here last month.

- In the code there is specific language about kennels, p. 50 #601 a-e and the applicant was not in attendance. Mr. McIlroy said that's why it was tabled and he was going to bring up page 50 tonight
- The board has the ability to have an annual renewal of special permits #802c
- 801 a&b is the ability of the Code Enforcement Officer to be able to enforce the permit
- 905 – lists the duties and powers of the planning board members to be involved in zoning codes or new laws. Mr. McIlroy said that he feels we should be on the committee for new zoning code.

Mr. McIlroy gave an update for Apple Country Storage. They received variances from the zoning board. They are going to have to submit a new site plan and come back to us and submit to county again. Thinks we involve the town engineer in reviewing it because of drainage issue. Mr. Kobylanski asked about the drainage and Mr. McIlroy wasn't sure the existing drainage was enough.

**Resolution:**

Mr. Kobylanski moved to contact MRB about the drainage, Mr. Dermody seconded the motion, all in favor, carried.

Ayes – 3      Nays – 0

Mr. McIlroy asked Ms. Sachs to give us an overview of Rustic Paws. Ms. Sachs said it would be a small scale kennel, possibly a day care and grooming of dogs with outdoor play area. Mr. Kobylanski asked how many dogs. Ms. Sachs originally said 5 dogs total but after Mr. Dermody mentioned having to come back to the board for more, Mr. Baumgartner said no more than 10 dogs at a time. Mr. McIlroy referenced p. 50, 601 a-e.

- a. Ms. Sachs said only ¼ of the barn would be setup with kennels in the end closest to their house, the other end is a horse arena.
- b. Mr. Baumgartner said they bought rubber matting for each 8x10 ft. kennel
- c. Boarding hours would be 24 hours, grooming hours 9 am- 3 pm but with only 2 total
- d. Mr. Baumgartner said they would pick up poop and put in garbage bags. Mr. Dermody asked how they would keep kennels clean. Ms. Sachs said they would use a power washer to clean the kennels, they would clean a couple times a day and once a day for grass runs. Mr. Kobylanski asked if they have access to sewer, Ms. Sachs said no, septic system. Mr. Dermody asked about engineer approval. Mr. McIlroy and Mr. Kobylanski comfortable with not doing. Mr. McIlroy asked Mr. Witmer if he had anything. Mr. Witmer said the state doesn't have specific rules and up to municipality. Mr. Dermody asked about kennel cough and rabies. Ms. Sachs said they would require all health records. Mr. Witmer said a state senator had introduced a law this year so see what happens.
- e. 200 ft. from nearest dwelling and 100 ft. from any lot line. Ms. Sachs said there was a fence and tree line between neighbors already.

Special Use Permit #802 p. 77 of zoning; pg 87 #905d – Discussion of conditions

Mr. McIlroy said conditions could be put on the permit. Permitted use under ag district, minimum of 3 acres with 250 ft frontage, minimum setback for residence. They're using existing building. Mr. Baumgartner said seasonal boarding, no heat in barn.

Mr. Dermody asked for dates of boarding, Mr. Peter said they would have to add heat for winter boarding, this could be a condition. Mr. Peter said if April 1-October 31 to ratify it they would have to come back to Planning Board for another meeting and public hearing, is it worth expanding. Mr. McIlroy said do we do it by temperature or date. Mr. Dermody said dates easier. Ms. Sachs said they would do April 1 – November 15 weather permitting. Mr. McIlroy said use common sense and Mr. Baumgartner said they would not let dogs be harmed by cold weather. Conditions to be listed were discussed. Mr. Peter suggested putting them on his fire/safety inspection every 3 years. If not conforming they can come to a meeting to review.

**Resolution:**

Mr. Kobylanski moved that if boarding was year round, heat would be added to kennels, Mr. Dermody seconded the motion, all in favor, carried.

Ayes – 3        Nays – 0

**Resolution:**

Mr. Kobylanski moved that there would be a maximum of 10 dogs for boarding and grooming at any time, Mr. Dermody seconded, all in favor, carried.

Ayes – 3        Nays – 0

**Resolution:**

Mr. Dermody moved that there be a 3 year fire/safety inspection by the Code Enforcement Office, seconded by Mr. McIlroy, all in favor, carried.

Ayes – 3        Nays – 0

The following conditions were presented by Mr. Witmer.

The special use permit to operate a kennel in the specified agricultural district shall be granted to Rustic Paws under the following conditions:

1. That they only board dogs in their barn during the time of year from April 1<sup>st</sup> to November 15<sup>th</sup>.
2. That they only board dogs in their barn during the time of year from November 16th to March 31st if they obtain the ability to adequately provide heating to their barn structure.
3. That their business provides services within the facility to no more than ten dogs total at any time, whether for boarding or grooming services.
4. That the Code Inspector be able to perform inspection on the facility under the same terms as he provides it to other businesses for fire inspection.

**Resolution:**

Mr. Kobylanski move to have a public hearing for Rustic Paws at 7:15 pm on September 24, 2025 for a preliminary site plan and special use permit for agricultural district, Mr. Dermody seconded, all in favor, carried.

Ayes – 3        Nays – 0

Mr. Witmer read SEQR section 2 and board provided answers.

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p><u>York Planning Board</u></p> <p>Name of Lead Agency</p> <p><u>Joe A McIlroy</u></p> <p>Print or Type Name of Responsible Officer in Lead Agency</p> <p><u>Joe A McIlroy</u></p> <p>Signature of Responsible Officer in Lead Agency</p> </div> <div style="width: 40%;"> <p><u>8-27-23</u></p> <p>Date</p> <p><u>Chairman</u></p> <p>Title of Responsible Officer</p> <p><u></u></p> <p>Signature of Preparer (if different from Responsible Officer)</p> </div> </div>	

**Resolution:**

Mr. Dermody moved to accept the findings of the short form SEQR, Mr. Kobylanski seconded the motion, all if favor, carried.

Ayes – 3      Nays -0

**Resolution:**

Mr. Dermody moved to declare a negative declaration for Rustic Paws, Mr. Kobylanski seconded the motion, all if favor, carried.

Ayes - 3      Nays - 0

**Resolution:**

Mr. Kobylanski moved to have the Chairman sign SEQR, seconded by Mr. Dermody, all in favor, carried.

Ayes – 3      Nays – 0

**Resolution:**

Mr. Dermody moved to adjourn at 8:45 pm, Mr. Kobylanski seconded the motion, all if favor, carried.

Ayes – 3      Nay - 0

Respectfully submitted,  
Donna Falkner