

TOWN OF SHELBY

PUBLIC HEARING

Proposed Local Law _____ of 2017

A Local Law regarding the Wildlife Refuge Protection Overlay District

NOVEMBER 27, 2017

5:00 PM

Present: Merle Draper, Supervisor
Dale Stalker, Councilman
Stephen Seitz Sr., Councilman
Kenneth Schaal, Councilman
William Bacon, Councilman
Darlene Rich, Town Clerk
Daniel Spitzer, Special Counsel
Kirk Myhill, Planning Board Chair
Claude Grimes, Constable

Others:	Dina Barone	Ed Houseknecht
	Alan Bushover	Patti Bushover
	Les Quackenbush	Brian Murray Sr.
	Mally Diefenbach, Batavia Daily News	Todd Roberts
	Brian Murray Sr.	Thurston Dale
	Dennis Davis	Joe Picciotti, Attorney-Harris Beach
	Tom Rivers-Orleans Hub	Joel Terragnoll-Hodgson Ross
	Gail Miller	Dave Miller
	Karen Jones	Debbie White
	Brian McCarty	John Huber
	Meagan Boice -Green	Scott Green
	Holly Rousch	Richard Maurer
	Melissa Maurer	

Public Hearing was called to order at 5:00pm

Purpose of the Public Hearing- Supervisor Draper explained the purpose the Special Meeting and Public Hearing was in regards to the overlay zoned district. He explained comments and or concerns are to be no more than five minutes.

Mr. Spitzer, Attorney explained the public hearing was to deal with some situations that were raised in the lawsuit filed against the town regarding the Wildlife Refuge Protection Overlay District. Most of the issues raised in the lawsuit had to do with compliance with Article 16. Frontier Stone chose to disagree against the Town Board decision so it was decided to quickly do it again to be compliant with Article 16 although Article 16 does not apply to home rule.

Procedures have been followed. Planning Board had meeting, County Planning Board had meeting, notice had been sent to the local paper, made sure everyone got notices; notices sent out by Mr. Spitzer as well as Town Clerk. All comments have been submitted in the record. If it was in the record it still is in the record. We are not starting over. Special letter was received on November 27, 2017 from Mr. Picciotti, on behalf of Frontier Stone. Also SEQR page three transcript was already on record. Confirms that all matters are in the record sent by Mr. Spitzer or DEC. It explains how we get here and what we are doing.

Public Comment-

Thurston Dale- Even though he has not attended all meetings he feels decision should of been done as a group. He feels is was done backwards.

Joseph Picciotti-represents Frontier Stone and the petitioners saying the overlay district violates the town zoning law and comprehensive plan. He said they have worked nine years on this project to meet state's standards for a mining permit. He said the DEC's findings will not result in a significant negative impact . He said having a public hearing at 5PM a few days after Thanksgiving did not allow enough time for review from the public.

Todd Roberts- Said he is a farmer impacted by the overlay district. He has farm land in the district. He is concerned the overlay district would restrict his rights as a farmer and reduce his property taxes. He asked if the refuge need to be bigger. He said the value of his property will go down. Grievance day will be popular. It was inevitable that litigation would be the result of this local law. Is litigation the best use of tax dollars in Shelby.

Karen Jones- She said she is from the Citizens for Shelby Preservation and read a statement from Wendi Pencille. She thanked the Board saying they knew the time would come when the Board would stand strong, listen to their attorney's and constituents, and do the right thing for the residents and the Wildlife Refuge. She spoke about climate change causes causing the water tables to rise and there would be concerns for flooding, not drought. She said they support and trust the Board will continue to protect the valuable asset that the Iroquois National Wildlife Refuge is.

Brian McCarty-Said a quarry would destroy value of property. A quarry would be very disruptive. This has been going on for 10 years. We are protecting the people who live in those areas. He said he did not move out here to be near a quarry.

Diana Barone- said the LL#2 had parcel within and partially within the overlay district. This new map did not have it.

Richard Maurer-Thanked the Town Board for their effort going into this overlay. It protects the people in the town of Shelby. We need to make it our primary concern. Applauds the Town Board.

Celeste Morien- representing Friends of Blue Birds reiterates they are in favor of the Local Law proposed.

Motion by Councilman Schaal, seconded by Councilman Stalker to close public hearing.

Public hearing closed at 5:22pm

Respectfully submitted,

Darlene A. Rich, MMC, RMC