

**TOWN OF SALEM
PUBLIC HEARING MINUTES
ZONING AMENDMENT
JUNE 07, 2017**

Present: Supervisor-Seth M. Pitts; Town Council: Harold Gilchrest; Bruce Ferguson; Marcus Blanck; Laura Dunham; Town Clerk-Patricia Gilchrist; Kimberly Erbe-Planning Board Clerk

Others Present: Sign-in sheet provided with 34 names; will be filed with minutes

7:00p.m.-Supervisor Pitts opened the Public Hearing and read a letter he had received from the Town of Salem Planning Board with their recommendations:

- 1-Article VII-8.10 Procedure be amended to read "The Planning Board shall have **sixty-two (62) days** to Provide such recommendations to the Town Board".
- 2-Additional regulations placed on the Non-Residential use in Mixed Use District-said recommended regulations as follows:
 - a. Property to be screened if adjoining landowners so request
 - b. Outside lighting to be directed such that it does not impact adjoining residences
 - c. All trash & trash receptacles shall be concealed from public view & said trash shall be properly contained as not to become noxious or a nuisance to neighboring property owners.
 - d. Buildings must be designed such that it blends with the residential & historical character of the Town.
 - e. Hours of operation and limiting of hours that special use properties can operate.
- 3-Sign size & placement ordinance should be put in effect.
- 4-Existing Law recommendations:
 - a. Amend 4.31 to include side yard dimensions for Mixed Use
 - b. Article X-"Mixed Use" appears in this section. A recommendation is made to revisit the definition for "Mixed Use " in this section.

Letter will be filed.

Virginia Bentley-How many more meetings will the public have to attend? Up to each individual's interest whether they want to continue coming for as long as the process takes for either approval or denial.

Sheila Scofield-responded that she did not move here to have a commercial business across the street from her 150-year-old house and that with increased traffic, noise and a possible increased police presence would be very stressful health wise for her household. Does not want to have to worry about traffic jams by her home.

Sheldon Brown-ZBA Chairman for prior Village & currently for Town; provided his comments as follows:

The issue under consideration is to make a change in the zoning designation of a portion of a previously medium density housing area.

The question is where a retail outlet is located within the zoning designated area of medium density. It is not whether a retail outlet should be encouraged or discouraged to be established within Salem. In my opinion, the vendor will come to Salem no matter where they are directed to locate their physical store. The Village of Schuylerville is a local example.

I would like to reiterate that I have served on the Zoning Board of Appeals since the Village of Salem's zoning ordinance was established many years ago. Therefore, I do have a working or practical experience and knowledge of the benefits and shortcomings of zoning.

The purpose of zoning is to enable any community to plan and control the future development and growth within a designated area. This statute develops a plan for the future rather than a “just wait and see” response to events, thus reacting to each problem, question or challenge. Zoning should consider: quality of life, community values, and the public good or interest. I commend the leaders of the village that established zoning many years ago for their foresight and the current town board for concurring and passing a zoning law this year.

In the process of the dissolution of the village into the Town of Salem, the town board considered the zoning law as a positive and should be continued when they appointed an advisory board and hired consultants to review the existing law. In July 2015 the advisory committee was formed and met during open public meetings with consultants from the Laberge Group. From July-November 2015 the committee met and made minor revisions. The revised ordinance was submitted to the Town of Salem Planning Board for their December 2015 meeting. There were no comments. In January 2016 a public hearing was held by the committee and referred to the town board with little or no changes. In March of 2016 the Salem Town Board held a public hearing and referred the law to the Washington County Planning Board. There were no comments received from either review. The Salem Town Board adopted the law as presented. The law was never filed with the appropriate state entities and therefore did not become town law. In February 2017, the town board held another public hearing and provided a minor edit then adopted the law. This was filed with the State of New York, becoming law. This is just 120 days ago.

At no time over this review, from the public (taxpayers), town or county planning boards and from the Town of Salem Board itself was there any discussion, proposal or question pertaining to designating any area within the former village as mixed use. In fact, mixed use is not used or defined in the present Town of Salem Zoning Law effective as of February 10, 2017.

This brings me to the conclusion that the current proposal to modify the 120-day-old law is for the sole purpose of one entity (a retail outlet) to locate in a previously medium density housing area. This could be termed “spot zoning” which has been challenged in the courts of New York as shown in case law. The inclusion of fourteen (14) other properties is to ameliorate this issue. In doing so, another issue arises in the fact that two of the parcels are currently in the Washington County Agricultural District 8 designation. This zoning change therefore would be in complete opposition to the intent and letter of the NYS Agriculture Districts Law, Article 25-AA, enacted in 1971.

I repeat, the question is not whether a retail outlet should be encouraged or discouraged to be established in Salem; the question is where it is located.

As a community, are we being short sighted for a short-term gain to the detriment of long-term benefits?

I believe we are circumventing the current law and process established just 120 days ago.

From my years of experience in administering zoning issues, we will have a very difficult argument for future requests (be they cell or repeating towers or auto repair services on a front lawn) if the zoning is changed for one business.

Remember these old sayings: ONE THING LEADS TO ANOTHER; NOTHING HAPPENS IN A VACUUM; ACTIONS DO HAVE CONSEQUENCES

Comments will be filed.

Joe Wever-Responded that a former agricultural parcel had been changed to build the new fire house at its current location @ 53 South Main Street (NYS Route 22) so there should currently only be one agricultural parcel in question.

Albert Sheldon-inquired if a map was available showing all the parcels to be changed and was told it was in the Town Office.

Nancy Higby-wants to go on record as being opposed to the proposed zoning amendment.

Sue Greth-has concerns about traffic, kids riding bicycles in that area with no sidewalks and speeding vehicles. She feels that kids will be sent down to the store to pick up things for their parents and because it's NYS Route 22 and a high traffic area, this could develop into a dangerous situation. She urges the board to take this into consideration.

Stacy Loya-Responded that she feels the concerns will be the same no matter where the business is located and reiterated that we need something here besides Stewart's. Having this kind of business might just bring in other young families. Maybe there will be more police presence here in Salem, but is that such a bad thing? She hopes for the amendment to mixed use.

Ken Columbraro-There are already businesses and residences mixed together in the former Village proper. The presence of another business should help the current businesses already here. Route 22 is a busy highway anyway and thinks it's an excellent idea to bring in more businesses.

Kathy McKeighan-Feels that some people are talking out of both sides of their mouth—someone talking to her about the issue is opposed to Dollar General but shops there all the time!

Virginia Bentley-Says that Salem is basically land locked as agricultural parcels surround the former Village and town boundaries.

Ode Knudsen-questioned if everyone in the proposed area would now be re-classified as commercial? No—you are residential now; you will remain as such.

Kiki Perkins-is opposed to the zoning amendment change; Dollar General should not be put where it is currently proposed. All their buildings are leased; DG does not own their own stores and this should be a concern to the board.

Supervisor Pitts asked three (3) times if there were any more comments from anyone. With no one commenting further, the Public Hearing was closed at 7:55 p.m.

Respectfully submitted,

Patricia A. Gilchrist-Town Clerk
Town of Salem

