

**TOWN OF SALEM**  
**SECOND PUBLIC HEARING-ZONING AMENDMENT**  
**JULY 12, 2017**

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

**Others Present:** Kimberly Erbe-Planning Board Clerk; Jean McLenithan-Assessor; Al Cormier-Historian; Janice Quartararo-Courthouse; Sign-in sheet provided with 37 names; will be filed with minutes

**7:00p.m.**-Supervisor Pitts opened the second Public Hearing on the zoning amendment for public comment.

**Judy Flagg**-wanted to know what changes the Salem Town Planning Board had recommended for the first public hearing: **Article III is hereby amended to include the following new regulations: “S 3.25 M-Mixed Use District”; Screening: May be required if deemed appropriate by the Planning Board. Outdoor lighting to be directed such that it does not impact adjoining residential properties. All trash and trash receptacles shall be concealed from public view and said trash shall be properly contained; Structures shall be constructed such that they blend with the residential and historical character of the Town. Amend Article IV-S4.31 to include side yard dimensions for Mixed Use.**

The Planning Board wanted sixty-two (62) days to review any proposed changes/amendments to zoning before the public hearing and to provide recommendations to the Town Board. Failure to make such recommendation within the required time period shall be decided an approval by the Planning Board.

**Linda Marlo**-Asked why is Albert Sheldon’s six (6) acre parcel not being taken out? Attorney Kara Lais and Nicole Allen from Laberge both checked the law and legally it does not have to be removed nor will it affect his Agricultural statues by re-zoning to Mixed Use.

**Natalie Kennedy**-made the comment that the former Village has already lost three (3) businesses in the past few weeks that will be closing their doors; let’s not miss this opportunity.

**Linda Marlo**-Commented that Terry Carlton still has not been contacted by Dollar General; why not? Ask Dollar General why; not a Town issue. Obviously, they (Dollar General) are not interested in that parcel.

**Stacy Loya**-doesn’t think Dollar General wants to displace homeowners in Sausville’s Trailer Park and prefers the location they have already chosen on South Main Street.

**Sheldon Brown**-ZBA Chairman for prior Village & currently for Town feels that it would be very difficult for the Board of Appeals to act on another project in the same area if re-zoning is done at this location. The Zoning Law was not filed with NYS until February, 2017--not that long ago. Too soon for the Town to look at revising what took more than a year to revise for the former area of the Village. If you re-zone that area for one firm, you are setting a precedent for another. Clerk Gilchrist reminded Mr. Brown that the Zoning Law the Village had adopted in 1975 **did not** get filed with NYS until **2012!** What happened there??

**Tom Tanaka**-feels that the Town needs to be very careful and needs to protect what it has. We need to protect the aquifer, also. Why have Zoning at all if you keep changing it when you don’t like something?

**Natalie Kennedy**-responded to Mr. Tanaka by stating, “Pretty soon there will be nothing left to protect. People are going to go; they want to see progress.” She stated that Dollar General might not be the answer but at least it was something. Everyone needs to be treated the same.

**Kathy McKeighan**-stated again that she felt there was a need for something, especially now that three more businesses have closed.

**Mike Miller**-wants to know what will happen to Salem if something isn’t done to promote businesses. Salem School graduated only 27 students this year in its graduating class. “We have to look at the big picture. Something is better than nothing!”

**Rebecca Brown**-former Village Clerk responded that the Zoning Law was already in place and Dollar General should have to follow the law and apply for a variance.

**Kim Erbe**-Planning Board Clerk responded by stating that the current Zoning is incorrect in many other areas, also. There are residences along Main Street in the Commercial District on both sides of the road. The zoning needs fixing in all areas where there is a problem. It cannot be both ways--cannot treat one applicant one way one time and another applicant in the same area with the same issue a different way the next time. Residences with businesses that are commercial have to stay commercial; they cannot revert back to residential spaces. She feels the Planning Board did the best that it could do when presented with review of the Zoning Law, not being familiar with Zoning in the past, and given the time allotted to do it in.

**Al Cormier**-Town Historian responded that creation of the Planning Board was to provide for orderly growth within the area and everyone needs to remember that.

**Sue Clary**-There has been conflicts from the beginning; everything that is wrong needs to be corrected so the plan is correct from the beginning. Zoning needs to be looked at as a whole--not piece-meal every time something comes up.

**Joe Wever**-Responded that not one person from the former Village or the Town came to either one of the public hearings that were held regarding Zoning--the ZBA held one and the Town of Salem held one. Where were all these concerns then?? Who enforces the Zoning law? Mr. Brown responded that the Town Board does. Joe responded that businesses still continue in homes that were never given a variance or whatever should have been granted to have the business in the home in the first place. And they are not in a commercial district; they are located in a residential district! Nothing is being done about that and it needs to be done for everyone in violation. He also responded that the new firehouse received a Special Use Permit--not a Variance.

**Cynthia Weinrich**-responded that she is not against Dollar General at all but is just not in favor of the location chosen. It certainly looks like re-zoning is only being done for one business. The Town needs consistency; if the zoning is not correct or we don't like it, then redo the whole Zoning Law.

**Tony Messina**-responded that certainly the Fire Department was needed; no one is arguing that. But so are other businesses if Salem is to survive.

**Steve Dougherty**-Commented that he would like to see the Town Board vote on the issue—finally!!

**Public Hearing adjourned at 7:50 p.m.**

Respectfully submitted,

Patricia A. Gilchrist-Town Clerk  
Town of Salem