

**TOWN OF ALEXANDER**  
**TOWN BOARD PUBLIC HEARING MEETING MINUTES**  
July 18, 2007

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**PRESENT:** Supervisor Ruth Hulshoff; Council Members Emma Jean Grant, William Hirsch, Joseph Higley; Highway Superintendent Tom Lowe; Laura Schmieder, Town Clerk  
**ABSENT:** Council Member William Franz.  
**ALSO PRESENT:** Town Attorney, David M. DiMatteo and Secretary, Lisa Perez.  
**PUBLIC:** Randy Wall, Bill Wolfley.

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This Public Hearing is being held to consider a proposed local law that amends the Town of Alexander Zoning Law and official Zoning Map relative to self service storage facilities.

Supervisor Hulshoff called the meeting to order at 7:00 p.m. Attorney DiMatteo provided Board members with the following documents:

§ Part II of the Full Environmental Assessment Form  
§ Negative Declaration

Attorney DiMatteo read the following Notice of Public Hearing which was published on July 2, 2007:

**A PROPOSED LOCAL LAW AMENDING THE TOWN OF ALEXANDER ZONING LAW AND OFFICIAL ZONING MAP TO ADDRESS SELF SERVICE STORAGE FACILITIES**

**NOTICE IS HEREBY GIVEN**, that a public hearing regarding a proposed local law entitled, Amending the Town of Alexander Zoning Law and Official Zoning Map to Address Self Service Storage Facilities, will be held on the 18<sup>th</sup> day of July 2007 at 7:00 p.m. at the Town Offices, located at 3350 Church Street, in the Town of Alexander, New York.

The amendments are intended to regulate the manner in which self service storage facilities are used in order to minimize the visual impacts created by this use and provide for a minimal design standard to preserve the character of the neighborhood and to specifically amend parcel no. 15.-1-12.12 from an agricultural-residential district to a commercial-industrial district.

**THIS PUBLIC HEARING IS BEING HELD TO HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF SAID LOCAL LAW.**

**PLEASE TAKE FURTHER NOTICE** that the environmental significance of the proposed law will be reviewed at said public hearing.

A copy of the proposed local law is also available for review at the Town Clerk's Office during regular office hours.  
By order of the Town Board,

LAURA SCHMIEDER  
TOWN CLERK

Attorney DiMatteo read the Genesee County Planning Board Zoning Referrals Notice of Final Action. The Board approved the text amendments to the Zoning Law but disapproved the change to the official Zoning Map. All board members were previously provided a copy of said comments.

Attorney DiMatteo indicated who the Notice of Public Hearing was sent to in accordance with Town Law, Section 264 and that no responses were received from the involved/interested agencies that were notified of the Town Board desire to be lead agency.

Supervisor Hulshoff opened the public hearing at 7:06 p.m.

Councilman Higley indicated his confusion relative to the County Planning Board opinion about the concentrating uses. The proposed zoning amendment actually extends an existing commercial district and there are other similar uses in the immediate area such as Vermeer, Skate 98 - Storage Facility and Lenape Resources.

This type of use is no different from the existing current uses in the area.

Attendee Wall indicated that he has spoken with the DEC and County Health Department regarding the flood plain issue. The question was asked if this area is routinely under water. Council Member Grant stated that she remembers one time there was water there. Council Member Hirsch said he remembers water there from time to time, but not much. Highway Superintendent Lowe stated that the south side ditch holds water but it has never been an issue.

It has been thirty years since that ground has been used for agriculture purposes and is not considered valuable farm land. The question was asked about the difference between how much water runoff there is from extensive roof lines and parking lot compared to residential/agricultural uses. It was discussed that some agricultural uses could create even more water issues in this area than a commercial use.

Attorney DiMatteo walked through Part II of the Full EAF with the Board Members.

**ON MOTION OF** William Hirsch which has been duly seconded by Emma Jean Grant, the public hearing was closed at 8:03 p.m. with all voting aye.

The following Negative Declaration was read:

**Land, Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects:** The proposed amendments will not create any adverse change in the existing land, air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. Any application for a self service storage facility will be subject to the Town's current Zoning Law regulations for permitted uses in a Commercial/Industrial District. Also, an application will be subject to the requirements of SEQRA, if applicable.

**Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character:** The proposed amendments will not adversely affect agricultural, archeological, historical, natural, or cultural resources. It is envisioned that the proposed amendments will improve upon the established community character by regulating where self service storage facilities can be located, in Commercial/Industrial Districts only. The regulations also require that the unit doors of a self service storage facility be screened from the view of any street right-of-way through the use of landscaping material or architectural design features. Buildings will also be limited to a maximum height of twenty (20) feet.

**Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species:** It is not envisioned that the proposed amendments will adversely affect any plant or animal life as any application for a self service storage facility will be limited to site specific areas and subject to review under SEQRA, if applicable, as required by said law.

**Community Plans, Use of Land or Natural Resources:** The proposed amendments are in keeping with the community plans as it will provide a tool to manage a type of activity that was not previously addressed in the Town's Zoning Law. The current use of the land is for pasture only. The parcel being considered for rezoning is not considered valuable farm land and has also not been used as such for over thirty (30) years. The rezoning of this parcel to a Commercial District allows for similar uses to exist in this area. Currently the former Vermeer machinery rental warehouse, Skate 98-Storage Facility and Lenape Resources are located in the proximate area, all of which are commercial uses.

**Growth, Subsequent Development, etc.:** The 2007 Amendments to the Town's Zoning Law will not induce any significant or adverse growth or subsequent development. It will help to maintain and preserve the rural agricultural character of the Town by allowing this type of activity in areas that are suitable for the same. The amendment to the official Zoning Map connects to an existing commercial district that contains similar uses in the proximate area.

**Long Term, Short Term, Cumulative, or Other Effects:** The amendments will not have any significant adverse long term, short term, cumulative, or other environmental effects. These types of effects will be addressed through the supplementary regulations for self service storage facilities. Manufacture, fabricate or process goods, service or repair of vehicles, boats, small engines or electrical equipment, garage or retail sales will not be allowed which will minimize any adverse long term, short term, cumulative or other effects.

**Critical Environmental Area:** The Town of Alexander does not have any identified Critical Environmental Areas as designated in 6 NYCRR, subdivision 617.14(g).

**Public Health and Safety:** The Town of Alexander amendments to the zoning ordinance will not have an adverse impact on the public health. The law strives to protect the health, welfare, safety, peace and tranquility of the residents of the Town of Alexander by providing the regulations and requirements for the establishment of self service storage facilities. These regulations and requirements are intended to minimize the visual impacts created by these uses and to provide for minimal design standards to preserve the character of surrounding agricultural/residential or commercial/industrial uses. The only commercial activity permitted at a self service storage facility is the rental of storage units for the pick up and deposit of goods and property in dead storage. All storage will be inside, concealed, secured and not defined as hazardous materials. Warehouses operated for a specific commercial or industrial establishment will not be considered a self service storage facility.

The following resolution was made:

The Town Board of the Town of Alexander met at a special town board meeting at the Town Offices located at 3350 Church Street in the Village of Alexander, New York on the 18<sup>th</sup> day of July 2007 commencing at 7:00 p.m., and thereafter a public hearing was held at 7:00 p.m. at which time and place the following members were:

Present:	Supervisor	RUTH HULSHOFF
	Council Member	WILLIAM HIRSCH
	Council Member	EMMA JEAN GRANT
	Council Member	JOSEPH HIGLEY
Absent:	Council Member	WILLIAM FRANZ

**WHEREAS**, all Town Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, the Town Board of the Town of Alexander is considering a proposed local law that amends the Town of Alexander Zoning Law and official Zoning Map relative to self service storage facilities, a copy of said law is attached hereto as **Exhibit A**; and

**WHEREAS**, the Town Board of the Town of Alexander sought lead agency status and scheduled a public hearing, by resolution dated the June 11, 2007, a copy of said resolution is attached hereto as **Exhibit B**, and under the State Environmental Quality Review Act, also known as SEQRA, advised all other involved/interested agencies, copy of said notifications are attached hereto as **Exhibit C**, of the proposed local law as follows:

1. Mary Pat Hancock, Genesee County Legislature
2. A.D. Berwanger, Wyoming County Board of Supervisors
3. James Duval, Director, Genesee County Planning Department
4. Donn Branton, Genesee County Agricultural & Farmland Protection Board
5. Patrick Hooker, Commissioner, NYS Department of Agriculture & Markets
6. Michael Saviola, NYS Department of Agriculture & Markets
7. Commissioner, Department of Environmental Conservation, Albany
8. Commissioner, Department of Environmental Conservation, Buffalo
9. Ruth Hulshoff, Supervisor, Town of Alexander
10. David Kelsey, Chairman, Town of Alexander Planning Board
11. Richard Scharlau, Mayor, Village of Alexander
12. Jerome Scharlau, Chairman, Village of Alexander Planning Board; and

**WHEREAS**, the Town Board of the Town of Alexander received no responses to their notification seeking lead agency status; and

**WHEREAS**, pursuant to section 239 1-m of the General Municipal Law, said local law with all supporting documents were submitted to the Genesee County Planning Board, which determined at its July 12, 2007 meeting that said Board approved of the text amendments to the Zoning Law but disapproved the proposed change to the zoning map advising that it is inconsistent with the Town's Comprehensive Plan which identifies the parcel in its Future Land Use Map as "Conservation – Flood Zone" and also inconsistent with the County's Flood Mitigation Plan and the Town's own Flood Mitigation Plan, a copy of said response is attached hereto as **Exhibit D**; and

**WHEREAS**, in accordance with General Municipal Law, specifically §239-m (6), the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof; and

**WHEREAS**, pursuant to Town Law, Section 264, written notice was provided to the following:

1. Debbie Douglas, Clerk, Town of Bethany
2. Teresa Morasco, Clerk, Town of Batavia
3. Andrea Davis, Clerk, Town of Pembroke
4. Teresa Burkhardt, Clerk, Town of Darien
5. Kathleen Koch, Clerk, Town of Attica
6. Cheryl Strathearn, Clerk, Town of Middlebury
7. Korinna Taylor, Clerk, Town of Covington
8. Vera Antonucci, Clerk, Village of Alexander
9. Carolyn Pratt, Clerk, Genesee County Legislature
10. Cheryl Ketchum, Clerk Wyoming County Board of Supervisors

**WHEREAS**, a Notice of Public Hearing was duly advertised in the Batavia Daily, the official newspaper of said Town, on or about the 2<sup>nd</sup> day of July 2007 advising that a public hearing would held on the 18<sup>th</sup> day of July 2007 at 7:00 p.m., a copy of said affidavit is attached hereto as **Exhibit E**; and

**WHEREAS**, pursuant to, and in accordance with, the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617), the Town Board of the Town of Alexander as lead agency has reviewed the proposed local law and all supporting documents and has taken a "hard look" at all potential adverse environmental impacts pursuant to SEQRA by completing Part I and Part II of a Full EAF, a copy of said EAF is attached hereto as **Exhibit F**; and

**WHEREAS**, the Town Board, as lead agency, hereby finds and determines that:

1. it has considered the proposed local law, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with said law; and
2. the proposed local law will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment; and
3. the reasons supporting this determination are set forth in the negative declaration determination of non-significance with respect to this law , a copy of said negative declaration is attached hereto as **Exhibit G**; and

**WHEREAS**, the Town Board, as lead agency, with reference to the above-described local law, hereby:

1. adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to said law; and

2. authorizes the Supervisor of the Town of Alexander to sign a negative declaration determination of non-significance with respect to the proposed law; and
3. authorizes the Town Clerk of the Town of Alexander to forward a copy of said negative declaration determination of non-significance to all involved and/or interested agencies.

**NOW ON MOTION OF COUNCILMAN HIGLEY**, which has been duly seconded by COUNCILWOMAN GRANT, with a vote of 4 Ayes and 0 Nays, be it

**RESOLVED**, that after careful and deliberate review, the Town Board of the Town of Alexander has determined that the proposed local law will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment and hereby adopts a negative declaration determination of non-significance, authorizes the Supervisor of the Town of Alexander to sign said negative declaration and authorizes the Town Clerk of the Town of Alexander to forward a copy of said negative declaration to:

1. Mary Pat Hancock, Genesee County Legislature
2. A.D. Berwanger, Wyoming County Board of Supervisors
3. James Duval, Director, Genesee County Planning Department
4. Donn Branton, Genesee County Agricultural & Farmland Protection Board
5. Patrick Hooker, Commissioner, NYS Department of Agriculture & Markets
6. Michael Saviola, NYS Department of Agriculture & Markets
7. Commissioner, Department of Environmental Conservation, Albany
8. Commissioner, Department of Environmental Conservation, Buffalo
9. Ruth Hulshoff, Supervisor, Town of Alexander
10. David Kelsey, Chairman, Town of Alexander Planning Board
11. Richard Scharlau, Mayor, Village of Alexander
12. Jerome Scharlau, Chairman, Village of Alexander Planning Board

**NOW ON MOTION OF COUNCILWOMAN GRANT**, which has been duly seconded by COUNCILMAN HIRSCH, with a vote of 4 Ayes and 0 Nays, be it

**RESOLVED**, that the Town Board of the Town of Alexander feels it is in the best interests of the Town of Alexander to adopt Local Law No. 2 of 2007, entitled "Amending the Town of Alexander Zoning Law and Official Zoning Map to Address Self Service Storage Facilities"; and be it

**FURTHER RESOLVED**, that the Town Clerk be and she hereby is directed to enter said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Quorum Present:  X  Yes      No

Dated: July 18, 2007

Following the passage of the Local Law, the Board members held a discussion regarding the purchase offer made for land to build the salt storage barn. Another property was also discussed.

The Supervisor was contacted by the Teamsters Union; they had faxed a signed copy of the Memorandum of Understanding the Board had signed in March 2007. The Supervisor will continue to put the 125-C plan in place.

**NOW ON MOTION OF COUNCILMAN HIGLEY**, which has been duly seconded by COUNCILWOMAN GRANT, with a vote of 4 Ayes and 0 Nays, the meeting was closed at 9:25 p.m.

Respectfully submitted,

Lisa Perez for Laura Schmieder, Town Clerk  
(Lisa Perez, Secretary for David M. DiMatteo)