

PUBLIC HEARING  
TOWN OF SHELBY

September 7, 2016  
7:00 PM

Present: Merle Draper, Supervisor  
Kenneth Schaal, Councilman  
Dale Stalker, Councilman  
Stephen Seitz, Jr., Councilman  
William Bacon, Councilman  
Darlene Rich, Town Clerk  
Daniel Spitzer, Land Use Attorney  
Bethany Centrone, Bond, Schoeneck & King  
Mike Fuller, Highway Supt.  
Traci Culver, Bookkeeper  
Claude Grimes, Constable  
Paul Gray, Constable

Others: Sue Fuller  
Alana Keppler  
Dina Barone  
Dave Mahar  
Kim Weatherbee  
Todd Roberts  
Tom Fuller  
Philip Keppler  
Edward Zelazny  
Dale Root  
Bob Kwandrans  
Sue Zinkievich  
Celeste Morien  
David M. Green  
Wendi pencille  
Susan Beamer  
Les Quackenbush  
Kevin Brown  
Deborah White  
Marylynn Zelazny  
Jim Conway  
Alex Greene  
Eleanor Strickland  
Laverne Fuller  
Tiffany Cree  
Rich and Alissa Mauer  
Dawn Keppler  
Joan Mahar  
Joseph Picciotti  
Tammy Figler-Court Reporter  
Eric Chambers  
Chester Zelazny  
James Zelazny  
Clayton Zelazny  
Kirk Myhill  
Larry Hill  
David Hellert  
Lisa Russo  
Jessie Green  
Steven M. Cler  
Henry Beamer  
Dennis MacDonald  
John Hellert  
Brian Murray Sr.  
Mike Shultz  
Jeff Schiffer  
Mr. and Mrs. Jason Wolf  
James Stahl  
Doris Fuller  
Cheryl Cree  
Ron & Roberta Furness  
Gerry Zinkievich

Robert Pask	Al Capurso
Pat Laubisch	Thurston Dale
Roger Cherry	Mary Lewis
Colleen Lewanduski	Lorraine Davis
Ellen Bacon	Jacob Keppler
William Keppler	Gail Miller
Phil Monacelli	Chris Clark
Alex Howard	Dave Waters
Kim Waters	Mallory Diefenbach-Batavia Daily News
David Schrader	Doug Bracey
Richard Depoty	Kay Vanostrand
Paul Luthart	Elizabeth Bateman
Joe Szalay	Ross Thompson
Jim Davies	Joanne Vanderlaan
Ronald Vanderlaan	Douglas Domedin
Doug Dunn	Marguerite Sherman
Jon Sherman	Tom Biamonte
Donna Wilcox	Randy Wilcox
Catherine Plumb	Herbert Harmer
Sharlene Pratt	John Pratt
Dianne Domoy	Frances Domoy
Tom Rivers-Orleans Hub	Dick Fry
Eugene Outterson	Meaghan Green
Michael Zelazny	Suzanne Keryk
Karen Cuddy	Gentry Carman
Thomas Keryk	Marcy Boyce
Kevin GAik	Marian Fry
Brian McCarty	Jeff green
BronwynGreen	Ryan McPherson
Halli McPherson	Lawrence Cummings
Dominic Cardone	Joe Cardone
Bill Eick-County Legislature	Paul Pass
Dick Keppler	

Purpose of the Public Hearing- For the purpose of hearing those for or against proposed Local Law #2 Amending the Zoning Local Law, creating the Wildlife Refuge Protection Overlay District. (Note a stenographer was present and the Town of Shelby will also receive copy of the transcription of minutes).

Public Hearing was called to order at 7:00pm  
Pledge to the flag.

Supervisor Draper welcomed everyone to the Public Hearing. Supervisor Draper went over all of the rules for the public hearing. The hearing is to gather public testimony. The town board uses this information to voice their decision. Supervisor Draper introduced Daniel Spitzer, Land

use attorney, who then gave an overview of this proposed local law. The overlay zone would be 3000 feet north of the wildlife refuge. It would affect property in the overlay zone. There would be an additional set of restrictions to the wildlife refuge. This local law is for a specific area. If a property is partially in the map and partially not, it only affects the part of the property that is in the overlay zone. The overlay zone sets an additional set of restrictions in order to protect the Iroquois National Wildlife Refuge and the town board tentatively identified areas the town wanted to restrict. It would not affect property conducting activity now but going forward would affect property in the proposed district. For the record a protest petition was received in the town clerk's office today.

Supervisor Draper opened the public comment session:

David Mahar, President of Frontier Stone- said the Overlay District would outlaw the quarry that they have been in the process of permitting for 10 years. He said they have already communicated with the refuge and outlined a plan to help with wetland management efforts. They also have already worked out a plan with STAMP project. He opposed proposed Local Law #2 saying it hinders economic development.

Wendi Pencille, President of the Citizens for Shelby Preservation-Appreciates the Town Board support. She said the Town Board did the work the DEC did not do. She said the State Environmental Quality Act is a fraud. It failed to protect on the most sensitive environmental habitats in the State of New York, a habitat it was designed to protect. The Department of Environmental Conservation judge did not recognize their own department's studies on short eared owls and northern harriers, a threatened and an endangered species.

Sam Gowan-Hired by Frontier Stone in 2008 said ground water looking at refuge had no impact. There are 2 basins going through the refuge. Quarry would help with keeping water at the refuge.

Alana Keppler of SK Herefords- Said cattle operations rely on telecommunications for maintaining records while they are in the field. She said SK Herefords strive to stay up to date with rapidly changing technology. A ban on telecommunications could be a detriment to SK Herefords in the future.

Brian McCarty-Stands with the town opposing the quarry. Buffer zone is an excellent idea.

Hank Beamer- Wanted to voice strong support for the board. Expressed gratitude to the board.

James Strickland-Strongly in favor of proposed Local Law #2.

Phil Keppler-wants the board to try and preserve the rural character of the community. The open areas are an asset which draws people to the community. Biggest concern-where does it end? Farmers are stewards of the land. We are supposed to protect our land.

Gail Miller-Supports this new proposed Local Law. DEC failed and the town board stepped in. She applauds the town board. Frontier Stone is out to make money, don't care about the people or animals. Supports law limiting use in zoning district if we wish to protect wildlife.

Dale Root- There is no evidence showing wild life destruction. Experts show there will be no problems so why can't it go forward? He opposes propose Local Law #2.

Al Capurso-Commends Town Board for trying to stop the quarry. Money talks, nature walks, just because its legal doesn't mean it is a good idea.

Lorraine Davis-Thanked the Town Board for the proposed Local Law #2. She opposes the stone quarry. She moved to Shelby for quality of life. She has seen what stone quarry's do. Doesn't want to lose air quality or peaceful neighborhood.

Richard Maurer- Applauds the Town Board. Wildlife Refuge is very valuable to the community. Need to protect the refuge.

Steve Miller- Regarding the refuge he likes animals. A quarry wouldn't affect wildlife -they adapt.

Jim Zelazny- Said has been farming for 50 years. Opposed proposed Local Law #2. DEC determined no threat to the refuge. Asks the Town Board not to adopt this Local Law.

Todd Roberts- Owns land in overlay district. Feels punished for something he didn't do.

Marguerite Sherman- Speaking on behalf of family. Supports proposed Local Law #2. Enjoys nature not managed habitat.

Thurston Dale- Questions the availability of overlay district, value of land.

Suzanne Keryk- lives in wetlands

Bill Keppler- Commends the Town Board on their efforts.

Pete Zeliff- Opposes overlay district. He owns several hundred acres which borders the refuge.

He has a program that brings in wounded veterans to hunt on his farm. Some of the wording in the proposed Local Law could stop what they are doing. What they do is considered a conference/resort complex which is not currently allowed in the local law and it isn't currently licensed. The line item prohibiting homes for adults also negatively impacts his operations. A lot of veterans stay with them while going to a PTSD clinic in Batavia. He also said they are in the process of creating a Boy Scout approved campground that abuts the wildlife refuge and is a licensed shooting preserve. The local law would not allow for it to expand.

Richard Keppler- said the refuge is big enough. He said the town should not trample on other people's rights to target restricting the quarry.

Jim Conway- Wants to know what we are giving up.

Richard Depoty- Need to be more regulated. Doesn't want land to be destroyed. Opposes Local Law #2

Debbie White- In support of proposed Local Law #2.

Ed Zelazny- Read a letter saying they are being called greedy. It is dividing the community. He said the Town Board is deliberately targeting other private property owners near their land to get his family to abandon the project. He said it was discriminating. He opposes this overlay district.

Brian McCarty- Asked everyone to take a drive to Hinman Road in Gasport and talk to the people about their properties since the stone quarry has left. Big hole still there. Property values down.

People can't sell their homes. Get the facts what a stone quarry does to your neighborhood.

Supervisor Draper said Public comments may be written and accepted in the Town Clerk's office or by mail until October 1<sup>st</sup>.

Public Comment closed at 7:55pm.

Motion to close public hearing by Councilman Schaal and seconded by Councilman Seitz Jr. at 8:03 pm.

Darlene A. Rich, MMC, RMC  
Town Clerk