

July 8, 2025

Schultzville, NY

A public hearing on **schedule of uses, Article IX and the definitions** of the revised zoning law, Section 250, was held on this day in the Town Hall. Present were Supervisor Whitton, Deputy Supervisor Werner, Councilman Dykas, Councilwomen Mustello and Councilwoman Auspitz as well as Town Clerk Carol-Jean Mackin. There were approximately 25 people in the audience.

PLEDGE OF ALLEGIANCE

At 6:00 PM, Supervisor Whitton called the public hearing to order and led the Pledge of Allegiance.

LEGAL NOTICE

This is a continuation so no legal notice required to be read.

PUBLIC HEARING

MM Supervisor Whitton, 2nd Councilwoman Auspitz to open the floor to public comments. All aye. Motion carried.

Allesandra Zornotti – concerned about zoning law changes. Please adhere to Comprehensive Plan.

Eliot Werner asks the attendees for specific comments.

Dan Berndt – went to conference center definition and it has a clause that is new but was not redlined. Cluster development definition leaves the definitions more open to interpretation and leaving the town open to lawsuits. Why cut down on clarity?

Mike Whitton - addresses the issue of the draft not being redlined. The changes were not kept track of by the former board member in charge of the zoning revision. Mike was left with no red line version. He then compared the revised one to the current law and tried to make a redline so this is the best we can do. Katherine Mustello wonders if this version should be shelved and do a new comprehensive plan first and then do another zoning review. Mike said this has been reviewed three times, some changes may not be perfect but were improving the zoning code.

Jeff Newman - Zoning Administrator – gave a brief history of the revision of the zoning law. Recommends having someone goes through and look at subsequent laws that have been changed. All Ag laws have been incorporated but other definitions are not here. Eliot Werner said most of what was changed is in the revision.

Lori Platt – made comments for her husband who sent a letter this morning. Talked about the law relating to the comprehensive plan. He feels the zoning law undermines the comprehensive plan. We should adopt the moratorium. Katherine asked what in the zoning law is opposing the comprehensive plan. She said he is concerned about large scale development. Katherine does not see that. The Board shares the vision of the comprehensive plan that she and her husband do.

Mike said we are not betraying the comprehensive plan, nine people - Board members, have worked together over the years to develop the law, they did not conspire to betray the comprehensive plan.

Maggie Schimmelpfennig – we want zoning law to align with comprehensive plan. Change schedule of uses to ban conference centers in low density areas. Adopt a rural character and compatibility review for all non-residential areas. In zones: c, ar3 and ar5 - prevent commercial development. Gave a personal anecdote supporting rural nature of the town.

Eliot Werner gave the history of the development of the conference center law. It was pulled out of the zoning review for a stand-alone law, like the STR law and Ag Event law. The new conference center law will update the law, not eliminate the conference centers completely. Katherine Mustello asks how she would categorize Omega. Maggie replied that it has evolved and is a grass roots organization and Maggie wondered if that should be reined in. Katherine said no one has complained about Omega so there is no need to rein it in.

Amy Jalenko –What happens after the moratorium is approved. Katherine explained what the CAC brings to the review. Their reports are reviewed and accepted by the Planning Board. Amy wants the rural nature of the town to remain. Eliot Werner said it seems a conference center is better located in a 5-acre zone, so not to impose on other properties.

Nick Sacerdote – sees issues with the definitions; there is no difference between a conference center and hotel or motel. There needs to be stricter definitions. Definition of clear-cutting needs clarification.

Arlene Campbell – asks about clear cutting. Talked about existing violations. Maybe we need to add variance as a way to cure the violations. Jeff Newman said to also add site plan. Clear cutting appears in two places. Why have a definition for something we don't regulate? We should refer to those two sections in the definition.

Jeff Newman gave a brief overview of the conference center law development. He talked about zones and densities and the fact that that density is ultimately determined by the Planning Board. We are not encouraging large scale development; the Planning Board has that control.

Katherine Mustello discussed uses allowed in various zones. ZA Jeff Newman said a farm must be a commercial operation to meet NYS ag law. Jeff said a commercial use on a large piece of land is what helps to keep large parcels open. A Conference Center is a 25-acre minimum, helping to leaving large tracts open. The ag events law helped to preserve property also by giving farmers the chance to get income outside of their farm products. Working with a comprehensive plan that is 12 years old may be meaningless as the community has changed over the years.

Dan Berndt – there is an expectation that large developers will sue the planning board and our poorly designed conference center law. We need to put guard rails on the laws.

Maggie Schimmelpfennig – we can't compare farms to conference centers when we talk about commercial uses.

At 6:56 PM, MM Supervisor Whitton, 2nd Councilman Werner to close the public hearing. All aye. Motion carried.

ADJOURNMENT

At 6:57 PM, MM Supervisor Whitton, 2nd Councilwoman Werner to adjourn the public hearing. All aye. Motion carried.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Carol-Jean Mackin". The signature is fluid and cursive, with the first name "Carol" and last name "Mackin" clearly distinguishable.

Carol-Jean Mackin,
Town Clerk