

**MINUTES
SPECIAL TOWN BOARD MEETING
NOVEMBER 2, 2020**

PRESENT:

Supervisor Don Trout, Councilman Mike Pfeiffer, Tyrone Thomas, Howard Strader and Bob Lotz.

ALSO PRESENT:

Town Attorney Dennis Benjamin, Attorney Wendy Marsh, Highway Superintendent, Joseph Mull, MRB Representative, Mr. Patrick Nicoletta, Assessor, James Cleere, Don Eichenhofer, Scott Turner, Kyle Black, Dixie Lemmon and Steve Craig.

PLEDGE OF ALLEGIANCE:

Supervisor Trout led everyone in the Pledge of Allegiance.

FIRE EXITS:

Supervisor Trout indicated where the fire exits were located.

Supervisor Trout opened the Special Meeting and asked Mr. Patrick Nicoletta of the MRB Group to go over Part 2 of the Full Environmental Assessment Form, Identification of Potential Impacts.

Mr. Nicoletta reviewed the various potential impacts of the EAF, they are as follows:

No. 1 - Impact on Land, proposed action may involve construction on, or physical alteration of the land surface of the proposed site.

No. 2 – Impact on Geological Features – The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site.

No. 3 – Impacts on Surface Water – The proposed action may affect one or more wetlands or other surface water bodies.

No. 4 – Impact on groundwater – The proposed action may result in new or additional use of ground water or may have the potential to introduce contaminants to ground water or an aquifer.

No. 5 – Impact on Flooding – The proposed action may result in development on lands subject to flooding.

No. 6 – Impacts on Air – The proposed action may include a state regulated air emission source.

No. 7 – Impact on Plants and Animals – The proposed action may result in a loss of flora or fauna.

No. 8 – Impact on Agricultural Resources – The proposed action may impact agricultural resources.

No. 9 – Impact on Aesthetic Resources – The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

No. 10 – Impact on Historic and Archeological Resources – The proposed action may occur in or adjacent to a historic or archaeological resource.

No. 11 – Impact on Open Space and Recreation – The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

No. 12 – Impact on Critical Environmental Areas – The proposed action may be located within or adjacent to a critical environmental area.

No. 13 – Impact on Transportation – The proposed action may result in a change to existing transportation systems.

No. 14 – Impact on Energy – The proposed action may cause in the use of any form of energy.

No. 15 – Impact on Noise, Odor, and Light – The proposed action may result in an increase in noise, odors, or outdoor lighting.

No. 16 – Impact on Human Health – The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

No. 17 – Consistency with Community Plans – The proposed action is not consistent with adopted land use plans.

No. 18 – Consistency with Community Character – The proposed

Mr. Nicoletta said the answer to all the above is that there is no negative environmental impact to any of these proposed actions.

2020-072

Councilman Lotz made the motion to approve the Resolution Accepting Parts 2 and 3 of the Full Environmental Assessment Form and Issuing a “NEGATIVE DECLARATION” Pursuant to the State Environmental Quality Review Act relative to Enactment of Local Law No. 2 of 2020 Amending the Land Use Control Map for the Town of Waterloo. Councilman Strader seconded the motion. The resolution is as follows: (copy appended to the minutes).

**RESOLUTION OF THE TOWN OF WATERLOO TOWN
BOARD ACCEPTING PARTS 2 AND 3 OF THE FULL
ENVIRONMENTAL ASSESSMENT FORM AND ISSUING
A “NEGATIVE DECLARATION” PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT
RELATIVE TO ENACTMENT OF LOCAL LAW NO. 2 OF
2020 AMENDING THE LAND USE CONTROL MAP FOR
THE TOWN OF WATERLOO**

WHEREAS, the Town Board adopted the Town of Waterloo Comprehensive Plan on January 23, 2017 (“Waterloo Comprehensive Plan”);

WHEREAS, the Waterloo Comprehensive Plan discusses Future Land Use, including, but not limited to, potential rezoning of incompatible land uses within the Town;

WHEREAS, the Waterloo Comprehensive Plan states at page 50 that the “Town should review its current zoning map in comparison with the existing land use map to eliminate incompatible land uses”;

WHEREAS, the Waterloo Comprehensive Plan recommends at page 51 that “[a]n inventory should be taken for all individual parcels that have two different zoning designations”;

WHEREAS, the Waterloo Comprehensive Plan recommends at page 51 that “[p]arcel with split zoning should be analyzed for rezoning to one zoning designation”;

WHEREAS, the Waterloo Comprehensive Plan recommends at page 51 that “[p]articular attention should focus on the main corridors, such as the Routes 5 & 20 corridor”;

WHEREAS, the Town retained the MRB Group to assist to undertake the recommended actions to review the existing Land Use Control Map (also referred to as the “Zoning Map”), as set forth in the Waterloo Comprehensive Plan, and to proposed amendments to the Land Use Control Map that address the individual parcels that had two different zoning designations, as well as any incompatible land uses;

WHEREAS, the MRB Group, in conjunction with the Town of Waterloo officials and staff, developed the Proposed Land Use Control Map, to rezone over 1,760 acres of property as recommended by the Waterloo Comprehensive Plan for consideration by the Town Board to replace the existing Land Use Control Map as set forth in Local Law No. 2 of 2020;

WHEREAS, pursuant to the State Environmental Quality Review Act, which is codified at Article 8 of the New York Environmental Conservation Law (“SEQRA”), the Town Board characterized the adoption of Local Law No. 2 of 2020 (the “Project”) as a SEQRA Type I Action;

WHEREAS, the Town Board caused to be prepared Part 1 of a Full Environmental

Assessment Form dated September 28, 2020 for the Project (hereinafter “Part 1 of the FEAF”);

WHEREAS, during its September 28, 2020 meeting, the Town Board reviewed Part 1 of the FEAF and deemed it adequate and accurate relative to this Project;

WHEREAS, the Town Board is the only SEQRA “Involved Agency”, as that term is defined by the SEQRA regulations codified at 6 NYCRR § 617.2(t), and is therefore the SEQRA Lead Agency pursuant to 6 NYCRR § 617.6(b)(1);

WHEREAS, the Town Board identified the Town of Fayette Town Board, Town of Geneva Town Board, City of Geneva, Town of Junius Town Board, Town of Phelps Town Board, Town of Seneca Falls Town Board, Town of Tyre Town Board, Seneca County Planning Board, Village of Waterloo, Ontario County, Wayne County and the New York State Office of Parks, Recreation and Historic Preservation as interested agencies relative to the Project (hereinafter collectively the “Interested Agencies”);

WHEREAS, on September 29, 2020, the Town Board forwarded a copy of Part 1 of the FEAF to the Interested Agencies requesting comments relative to this Project;

WHEREAS, the Town Board held a Public Hearing on the Project on October 26, 2020.

WHEREAS, the Town Board received no written or oral comments from any of the Interested Agencies, except the Seneca County Planning Board;

WHEREAS, the Town Board has caused Part 2 of the FEAF to be prepared for the Project, which is attached hereto as EXHIBIT A;

WHEREAS, the Town Board desires to make its determination of significance for the adoption of Local Law No. 2 of 2020 in accordance with the SEQRA regulations at 6 NYCRR § 617.7; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF WATERLOO TOWN BOARD AS FOLLOWS:

1. The Town Board hereby accepts the answers in Part 2 of the FEAF.
2. Based upon a thorough examination and analysis of Part 1 and 2 of the FEAF, a review of the SEQRA regulations at 6 NYCRR § 617.7, and based further on the Town Board’s knowledge of the current Land Use Control Map in the Town of Waterloo, as well as Local Law No. 2 of 2020 and such further investigation as the Town Board has deemed appropriate, the Town Board finds as follows:
 - a. The enactment of Local Law # 2 of 2020, which amends the Land Use Control Map will have a small impact to land, as it involves the rezoning of over 1,760 acres of land, involving over 650 parcels of land.
 - b. The enactment of Local Law # 2 of 2020 will not cause a substantial adverse

- c. change in existing air quality, ground or surface water quality or quantity, traffic or noise levels or a substantial increase in potential for erosion, flooding, leaching or drainage problems.
- d. The enactment of Local Law # 2 of 2020 will not cause the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
- e. The enactment of Local Law # 2 of 2020 will not cause the creation of a material conflict with a community's current plans or goals as officially approved or adopted, and in fact, it will have a positive impact, as it is consistent with the direction provided in the Comprehensive Plan;
- f. The enactment of Local Law # 2 of 2020 will not cause the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.
- g. The enactment of Local Law # 2 of 2020 will not cause a major change in the use of either the quantity or type of energy.
- h. The enactment of Local Law # 2 of 2020 will not result in the creation of a hazard to human health.
- i. The enactment of Local Law # 2 of 2020 will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses, and in fact, the proposed Land Use Control Map increases the acreage zoned for agricultural uses.
- j. The enactment of Local Law # 2 of 2020 will not cause the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the enactment;
- k. The enactment of Local Law # 2 of 2020 will not cause the creation of a material demand for other actions that would result in one of the above consequences.
- l. The enactment of Local Law # 2 of 2020 will not cause changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and
- m. The enactment of Local Law # 2 of 2020 does not involve one of two or more related actions undertaken, funded or approved by an agency, none of which has

or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR §617.7.

3. Based upon the foregoing investigation of the potential environmental impacts of Local Law No. 2 of 2020 and considering both the magnitude and importance of each environmental impact therein indicated, the Town Board makes the following findings and determinations:
 - a. The enactment of Local Law # 2 of 2020 will result in no significant adverse impact on the environment, and therefore, an “Environmental Impact Statement” will need not be prepared.
 - b. As a consequence of the foregoing, the Town Board will prepare a “Negative Declaration” with respect to the enactment of Local Law # 2 of 2020;
4. The Supervisor is hereby authorized to execute and file the Part 3 of the FEAR (the “Negative Declaration”) in the main office of the Town, to publish notice of said Negative Declaration in the statewide Environmental Notice Bulletin and to provide a copy of the “Negative Declaration” to any person that requests a copy.
5. This Resolution shall take effect immediately.

AYE
Supervisor Trout
Councilman Strader
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas

NAE

The motion was carried.

2020-073

Councilman Lotz made the motion to approve the following resolution to Enact Local Law Number 2 of 2020. Councilman Pfeiffer seconded the motion. The resolution is as follows: (copy appended to the minutes).

**RESOLUTION OF THE TOWN OF
WATERLOO TOWN BOARD TO ENACT
LOCAL LAW NUMBER 2 OF 2020
AMENDING THE LAND USE CONTROL
MAP FOR THE TOWN OF WATERLOO**

WHEREAS, the Town of Waterloo Town Board (hereinafter the “Town Board”) has prepared and introduced Local Law No. 2 of 2020, attached as EXHIBIT A, to rescind Local Law

No. 1 of 2020 and to amend the Land Use Control Map for the Town of Waterloo in accordance with the Municipal Home Rule Law;

WHEREAS, the Town Board adopted the Town of Waterloo Comprehensive Plan on January 23, 2017 (“Waterloo Comprehensive Plan”);

WHEREAS, the Waterloo Comprehensive Plan discusses Future Land Use, including, but not limited to, potential rezoning of incompatible land uses within the Town;

WHEREAS, the Waterloo Comprehensive Plan states at page 50 that the “Town should review its current zoning map in comparison with the existing land use map to eliminate incompatible land uses”;

WHEREAS, the Waterloo Comprehensive Plan recommends at page 51 that “[a]n inventory should be taken for all individual parcels that have two different zoning designations”;

WHEREAS, the Waterloo Comprehensive Plan recommends at page 51 that “[p]arcels with split zoning should be analyzed for rezoning to one zoning designation”;

WHEREAS, the Waterloo Comprehensive Plan recommends at page 51 that “[p]articular attention should focus on the main corridors, such as the Routes 5 & 20 corridor”;

WHEREAS, the Town retained the MRB Group to assist to undertake the recommended actions to review the existing Land Use Control Map (also referred to as the “Zoning Map”), as set forth in the Waterloo Comprehensive Plan, and to propose amendments to the Land Use Control Map that address the individual parcels that have two different zoning designations, as well as any incompatible land uses;

WHEREAS, the MRB Group, in conjunction with the Town of Waterloo officials and staff, developed the Proposed Land Use Control Map included in the proposed Local Law No. 2 of 2020, which rezones over 1,760 acres of property as recommended by the Waterloo Comprehensive Plan;

WHEREAS, the Town Board formally introduced Local Law No. 2 of 2020 by Resolution issued September 28, 2020;

WHEREAS, on September 29, 2020, a copy of the proposed Local Law No. 2 of 2020 was hand delivered to the County of Seneca Planning Board in accordance with General Municipal Law Section 239-m;

WHEREAS, on October 8, 2020 the Seneca County Planning Board held a meeting and issued Resolution 37-20, attached hereto as EXHIBIT B, which stated, in part, as follows:

The Seneca County Planning Board commends Town of Waterloo for moving forward with recommendations in the Comprehensive

Plan, and . . . recommends adopting the Town of Waterloo proposed zoning map.

WHEREAS, on October 26, 2020, the Town Board held a Public Hearing on the proposed Local Law No. 2 of 2020, wherein the public was allowed the opportunity to provide comments to the Town Board.

WHEREAS, the Town Board accepted comments on the proposed Local Law No. 2 of 2020 in the office of the Town Clerk until 4:00 p.m. on October 27, 2020;

WHEREAS, the Town Board received and reviewed oral and written comments, including letters from Steven Arndt, Kyle Black, Anthony Marro, Tate Sisson, Eileen Temple, Malissa Temple, Allison Stokes, as well as Dixie Lemmon (and her attorney Douglas H. Zamelis, Esq.), copies of which are attached as EXHIBIT C;

WHEREAS, the Town Board issued a Negative Declaration pursuant to the State Environmental Quality Review Act (“SEQRA”);

WHEREAS, the Town Board now seeks to enact Local Law No. 2 of 2020, which will formally repeal Local Law No. 1 of 2020 in its entirety and also amend the Land Use Control Map; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF WATERLOO TOWN BOARD AS FOLLOWS:

1. Proposed Local Law No. 2 of 2020 attached hereto is hereby enacted.
2. The Clerk is directed to file the Local Law with the Secretary of State.
3. This Resolution shall take effect immediately.

AYE
Supervisor Trout
Councilman Strader
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas

NAE

The motion was carried.

2020-074

Councilman Lotz made the motion to adjourn the meeting at 6:00 PM. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Strader
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas

NAE

The motion was carried.

Respectfully Submitted,

Sandra L. Ridley
Town Clerk

AYE
Supervisor Trout
Councilman Strader
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas

NAE

The motion was carried.

Respectfully Submitted,

Sandra L. Ridley
Town Clerk

EXHIBIT A

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2020-073