

CHILI TOWN BOARD MEETING - May 22, 2012 - Page 1

CHILI TOWN BOARD
May 22, 2012

A meeting of the Chili Town Board was held on May 22, 2012 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. The meeting was called to order by Supervisor David Dunning.

PRESENT: Councilman Brown, Councilwoman DiFlorio; Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning.

The invocation was given by Virginia Ignatowski.

The Pledge of Allegiance was cited. The fire safety exits were identified for those present.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. The following speakers addressed the Town Board on various subjects: Heath Miller and Dorothy Borgus. The Public Forum concluded.

RESOLUTION #217 RE: Union Contract

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Brown

WHEREAS, the labor contract between the Town and the labor union representing the Town's white and blue collar employees (AFSCME, Local 3179) expired on June 30, 2009, and the parties have been negotiating a new agreement; and

WHEREAS, a new agreement commencing January 1, 2012 and expiring December 31, 2016 has been ratified by the membership of Local 3179; and

WHEREAS, the aforesaid agreement has been submitted to this Board for ratification and for legislative approval as provided under law; and

NOW, THEREFORE, BE IT RESOLVED, that the agreement is hereby ratified; and

BE IT FURTHER RESOLVED, that the agreement is hereby given legislative approval.

UNANIMOUSLY APPROVED

RESOLUTION #218 RE: Assessor

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery

BE IT RESOLVED, that per the intermunicipal agreement between the Town of Chili and the Town of Gates and contingent upon the approval of said agreement; Jennie Miller, Assessor shall be paid an annual salary of \$75,000.00 effective July 1, 2012 thru 12/31/2012, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

RESOLUTION #219 RE: Real Property Appraiser Trainee**OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery**

BE IT RESOLVED, that Barbara Alessi be appointed as Real Property Appraiser Trainee provisionally and shall be paid an annual salary of \$25,583.00 (23 C) effective June 4, 2012, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a question on this. Mr. Stowe; is what was said by Mr. Miller segmenting, is that some type of an issue to be concerned about? In my opinion we are looking at the rezoning only, we are not project driving. This Town Board's decision is based only on the rezoning and not the proposed application with the understanding, yes, that anything involved with the General Industrial zone could be potentially built there. The purpose as I see it for segmenting this in a way that this is broken up is that purpose alone and that the Planning Board will then have their SEQR action on the site plan and development of the property.

RICHARD STOWE: I understand the question and I understand the concern. The manner in which this town has addressed several similar applications is that the initial action with the Planning Board on the recommendations and Legislative action regarding the zoning by this board where considered in advance of the submission of any formal subdivision or site plan applications by any developer that was project specific. The concern that the Planning Board has raised on other applications, and I wasn't there, but I assume that they did on this one as well, we need to know more about the nature of the possible project. Which I am sure related to the particular tenant had at the time and that particular project. My understanding is that there is no site plan application for a specific project filed with the Planning Board at this time. I believe that's a correct statement. The issue that you have when you have a full blown application involving all of those things and you pick it apart and then attempt to review it, is the segmentation issue that I believe the DEC is most concerned about that they talk about on their website. If you take a step back as we have on other applications and look at just the permitted uses in "the zone" that is sought to be rezoned to from GB to GI in this case, then review the environmental impact of just the legislative act in this fashion as we have done multiple times and I don't believe issues in segmentation question when there is no specific application. Having said that, I think the board needs to be mindful of the fact that any, as Mr. Miller correctly said, any potential development authorized in the GI zone is what it is. You need to be reviewing the impacts of. Mrs. Borgus asked a question about the Planning Board and it's my understanding that when there is a site plan submitted, the Planning Board is going to be in paragraph 10 for additional approvals. I'm not sure why they included the ZBA to be honest with you. There will be another review that does involve the Planning Board and the determination. To the best of my knowledge this isn't signed or dated yet because, the determination has not been made. So if the board chooses to go forward with the other input that its had tonight and agrees with the findings here then this would be signed and dated before your action to rezone it and it isn't signed and dated because it is premature to sign and date it without having all of the information in a scenario like we are going through right now.

COUNCILMAN SLATTERY: Rich, one question, in regards to number 6, describe briefly. Would a site re-development, I know I have not seen a plan but I know there is some information there. Does that in regards to a site plan the comments that where made, do that have any bearing on it?

RICH STOWE: Well a site re-development and the potential construction of that. Yes it does, I mean yes it does.

COUNCILMAN SLATTERY: Oh.

RICH STOWE: Yes it does. So the impacts on those and they are saying here for set back requirements for what it is those are. What it is in number 8 that was being asked but the resolution as it was drawn I believe Mr. Jones did the resolution. I didn't prepare it but I believe that the resolution the way it was drawn was in response to the information that was presented. In this short form assessment, and at the end of the day SEQR requires the Town Board to take the hard look at the environmental impacts of the potential re-zoning from GB to GI and assess the intensity of those uses within the compliance of the Master Plan and the other items listed in the resolution. So, I know Mr. Jones was satisfied with it. I don't see any glaring issue for the board to consider in what you have here.

COUNCILMAN SLATTERY: Ok, thank you, appreciate it Rich.

SUPERVISOR DUNNING: Any other questions or comments?

RESOLUTION #220 RE: Zoning Map Amendment of Lands at 1350 Scottsville Rd (Tax I.D# 135.030-01-17.1) Rezoning from GB to GI

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

WHEREAS, 1350 SR LLC, owners of the property located at 1350 Scottsville Road (Tax I.D# 135.030-01-17.1), made application to the Planning Board for rezoning of this parcel from GB (General Business) to GI (General Industrial); and

WHEREAS, the Planning Board held a public hearing on April 10, 2012 on said application and recommended approval of this Zoning Map Amendment by a vote of 5 yes, 1 no, and said Zoning Map Amendment was concurrently reviewed by the Monroe County Department of Planning and Development for comment; and

WHEREAS, the Town Board on May 16, 2012 conducted a duly noticed public hearing as required by law where interested parties were permitted to speak on behalf of, or in opposition to the proposed amendment; and

WHEREAS, the Town Board has carefully reviewed and considered the Town's 2030 Comprehensive Plan and has determined that the rezoning of this parcel from GB to GI does not conflict with the stated goals of the 2030 Comprehensive Master Plan; and

WHEREAS, the Town Board has carefully considered the criteria for determining significance as set forth in the SEQRA Regulations; the Short EAF, the application materials, and all documents, correspondence, testimony, and other information supplied to this Board, including, but not limited to, correspondence and communication from

the Monroe County Department of Planning and Development, Town staff, Town Planning Board, and input obtained during the public hearing; and

WHEREAS, the Town Board has conducted an Uncoordinated Review, in accordance with the SEQRA Regulations and has considered the list of potential environmental effects set listed 617.7, taken a hard look and engaged in a reasoned elaboration; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board finds and determines that this Zoning Map Amendment is an unlisted action that will not have a significant impact upon the environment, and hereby issues a Negative Declaration of Environmental Significance in accordance with the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Official Zoning Map of the Town of Chili is amended such that 1350 Scottsville Road, further identified as Tax I.D# 135.030-01-17.1, shall be removed from the General Business zoning district and placed within the General Industrial zoning district is hereby adopted; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to enter said rezoning into the minutes of this meeting and to give due notice of the adoption of this zoning map amendment to the Secretary of State of the State of New York; and

BE IT FURTHER RESOLVED, that the Town Clerk shall direct that the Official Zoning Map of the Town of Chili be amended consistent with this resolution; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the property owner, his representatives, the Town Planning Board, Town Zoning Board of Appeals, Town Director of Public Works, Town Engineer, Town Attorney and Associate Town Attorney.

APPROVED BY A VOTE OF 4 YES WITH 1 ABSTENTION (Councilwoman Brown)

CHILI TOWN BOARD MEETING - May 22, 2012 - Page 4

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: Is there any reason why there is no amount? No dollar amount on this resolution?

SUPERVISOR DUNNING: No. I don't recall. It's just reversing it. No, because it is going back to reverse that previous one that has the dollar amount on it.

COUNCILWOMAN SPERR: Shouldn't there be one on here?

SUPERVISOR DUNNING: I don't know that it is necessary.

TOWN CLERK VIRGINIA IGNATOWSKI: You would have to refer back to the other resolution. And Dianne wrote this, if I could speak out. I'm sorry, because this was my issue. You have to go back to resolution 152, it's basically voiding out 152. It was around, let's see here \$9,000.00 dollars total.

COUNCILWOMAN SPERR: Ok, but it's not necessary for us to have it on here? That's what I wanted to make sure.

RICH STOWE: The accounts that were changed in the original resolution is simply being reversed. So, this takes care of the account ... authorization.

COUNCILWOMAN SPERR: Ok.

RICH STOWE: They don't need to be restated because they were in the first one.

COUNCILWOMAN SPERR: Ok, thank you.

SUPERVISOR DUNNING: Any other questions or comments?

RESOLUTION #221 RE: Correction of Resolution #152 to Adjust 2012 Budget Per Tax Warrant Modification**OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Brown**

WHEREAS, the Tax Receiver received information from Monroe County Treasury of a NYS Supreme Court Order reduction; and

WHEREAS, the Tax Receiver was instructed to accept a correct 2012 Town and County Tax Bill for 1225 Scottsville Road; and

WHEREAS, the county recently determined this NYS Supreme Court Order reduction is to be treated as a chargeback in 2013; and

NOW, THEREFORE, BE IT RESOLVED, to reverse the budget adjustments made in Resolution #152.

UNANIMOUSLY APPROVED

The next regular meeting of the Chili Town Board will be on Wednesday June 13, 2012 at 7:00 p.m. in the Chili Town Hall main meeting room.

The Town Board meeting was recessed at 6:18 p.m.