

A meeting of the Chili Town Board was held on October 15, 2003 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 Hendershott.

PRESENT: Councilwoman Ignatowski, Councilman Slattery, Councilwoman Sperr and Supervisor Hendershott.

ALSO PRESENT: J. Donald Faso, Deputy Supervisor; Richard Brongo, Town Clerk; Richard Stowe, Counsel for the Town; Joseph Lu, Engineer for the Town; Joseph Carr, Commissioner of Public Works/Superintendent of Highways; Dianne O'Meara, Director of Finance.

The invocation was given by Reverend Robert Reeves of Calvary Assembly of God.

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. Six speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:40 p.m.

**REPORTS SUBMITTED:**

Building Permit Report - August 2003  
Library Board of Trustees - 8/26/03  
Library Board of Trustees Attendance Report  
Recreation Revenue Report - September 2003  
Community Center Revenue Report - Sept. 2003  
Senior Center Revenue Report - September 2003  
Conservation Board - 8/25/03  
Supervisor's Report per Town Law Section 125(2) 9/03  
Town Clerk Report September 2003

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**CORRESPONDENCE:**

\* Memo from Richard J. Brongo, Town Clerk, stating that The Party House, located at 677 Beahan Road, has made an application for a Liquor License renewal with the State Liquor Authority.  
\* Letter dated September 29, 2003 from Susan John, Assembly Member, (in response to Supervisor Hendershott's letter requesting that the multi-modal funds for Paul Road be redirected) giving her assurance that this is still under active consideration so that Chili receives these funds for a needed project.

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**RESOLUTION #344 RE: Intermunicipal Technology Services Agreement with Monroe County**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, the Town of Chili has participated with the Council of Governments to seek out ways to share services in order to reduce expenses to taxpayers,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Chili hereby approves the Intermunicipal Technology Services Agreement with Monroe County and authorizes the Supervisor to sign the necessary participation documents.

APPROVED BY A VOTE OF YES

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**RESOLUTION #345 RE: Budget Transfers**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** to transfer \$18,000 from DA5142.499 (Misc. Snow) to DA5110.100 (General Repairs - Personnel); and

**BE IT FURTHER RESOLVED** to transfer \$2,800 from A1640.462 (Central Garage - Refuse & Garbage) to A1640.451 (Central Garage - Building) to replace transmission in vehicle #16.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #346 RE: Maintenance of Lighting and Related Appurtenances for the Ballantyne Road NYSDOT Project**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, the New York State Department of Transportation proposes the construction, reconstruction, or improvements of the Reconstruction of NY Route 252, Ballantyne Road, CR125, Ballantyne Bridge - Pittsford, Park 1, SH 8443, for the Towns of Brighton, Chili and Henrietta in Monroe County; and

**WHEREAS**, the service life of the relocated and/or replaced utilities has not been extended; and

**WHEREAS**, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above mentioned project;

**NOW, THEREFORE, BE IT RESOLVED** that the Chili Town Board approves the installation of the aforementioned highway lighting to include underground conduit, pull boxes, hand holes, foundations, light standards, bracket arms, luminaries, wiring, switches, ballasts and all other components necessary to complete the system as shown on the contract plans relating to the project and that the Town of Chili will maintain or cause to be maintained the highway lighting systems and its components as above stated and as shown on the contract plans. In addition, the Town of Chili will enter into an Agreement for Maintenance, Repair and Energizing of Highway Lighting (HDM 14-19b) for the aforementioned project; and

**BE IT FURTHER RESOLVED** that the Clerk of the Chili Town Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation; and,

**BE IT FURTHER RESOLVED** that Supervisor Steve Hendershott is hereby authorized to execute all necessary agreements on behalf of the Town of Chili, with the New York State Department of Transportation related to the above stated project.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #347 RE: Modifications to the 2004 Tentative Budget**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** that the following modifications be made to the 2004 Tentative Budget:

1. DA9010.8 (Retirement) be amended to \$170,000 from the amount of \$75,000
2. DA2300 (Transportation Services) be amended to \$29,200 from the amount of \$19,200

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3. DA5144.4 (State Snow & Ice-Contractual) be amended to \$80,000 from the amount of \$90,000
4. Appropriated fund balance for Highway Fund be amended to \$200,000 from the amount of \$150,000
5. Appropriated fund balance for S Chili Benefit Area #1 be amended to \$10,500 from the amount of \$0
6. A1120 (Non-Property Tax Distribution by County) be amended to \$760,000 from the amount of \$750,000
7. Account A8540.1 (Drainage-Personnel) be amended to \$48,000 from the amount of \$54,000.
8. Modifications to the taxable assessment values are as follows:
  - Townwide - \$1,129,206,009 from the 2004 Tentative value of \$1,129,205,009;
  - Consolidated Drainage - \$901,199,830 from the 2004 Tentative value of \$899,229,530;
  - Chili Fire District - \$956,642,874 from the 2004 Tentative value of \$956,650,474;
  - Chili Ambulance District - \$954,617,189 from the 2004 Tentative value of \$954,624,789.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #348 RE: Adoption of the 2004 Preliminary Budget**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, the Town Board has reviewed the 2004 Tentative Budget and made modifications as necessary;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board approved and adopts the 2004 Preliminary Budget and orders that a Public Hearing be held on November 5, 2003 as specified in Resolution #349.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #349 RE: Set Public Hearing on the 2004 Preliminary Budget**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** that the Town Board establishes the date, place and time for the Public Hearings on the 2004 Preliminary Budgets as follows and directs the Town Clerk to publish notice of same, in accordance with Section 108, in the Gates-Chili Post:

DATE: November 5, 2003

PLACE: Town Hall, 3333 Chili Avenue, Rochester, NY 14624

**BE IT FURTHER RESOLVED** that Public Hearings be set for November 5, 2003 at 6:00 p.m. for the purpose of considering:

**Water District Assessment Rolls** ( Hynes Tract, S Chili Benefit Area #1, S Chili Benefit Area #2)

**Sewer District** (Chili Sewer Improvement Benefit Area #1)

**Lighting Districts** (Clifton, Chili Industrial, Pumpkin Hill, Chestnut, Autumn Wood, Maplegrove, Cedar Grove, Whispering Winds, College Greene, Mayflower, Blueberry Hill, Gilmar, Carriage House, Black Creek Woods, Union Square, King Forest, Union Station, Red Bud, Parklands of Chili, Paul Road Estates, Springbrook and Park Place.)

**Park District** (Lexington)

**Consolidated Drainage District**

**Assessment Rolls for Fire and Fire Protection Districts** (Chili, Gates-Chili, Clifton, Scottsville)

**Assessment Rolls for Ambulance Districts** (Chili, Gates-Chili, Clifton, Scottsville)

**Proposed contracts for Ambulance Districts**

**Proposed contracts for Fire and Fire Protection Districts**

**Preliminary Budget**

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to publish notice of same, in accordance with Section 108, in the Gates-Chili Post.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #350 RE: Letter of Credit Releases**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$28,852.50 be released from Letter of Credit #13912 with M&T Bank King Forest Subdivision, Section 4, leaving a balance of \$0. This release is subject to providing a maintenance bond of 10% of the original letter of credit and payment of engineering fees and street light bills to the Town; and,

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$41,864.66 be released from Letter of Credit SDCMTN542958 with HSBC Bank for Union Station Subdivision, Section 3 leaving a balance of \$39,309.96 subject to payment of engineering fees and street light bills to the Town; and,

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$61,192.80 be released from Letter of Credit #SDCMTN545160 with HSBC Bank for Union Station Subdivision, Section 4, leaving a balance of \$93,832.54 subject to payment of engineering fees and street light bills to the Town; and,

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$22,050.00 be released from Letter of Credit #1101546165 with Canandaigua National Bank for Park Place Subdivision, Phase 1, leaving a balance of \$146,397.82 subject to payment of engineering fees and street light bills to the Town; and,

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$15,300.00 be released from Letter of Credit #1101546173 with Canandaigua National Bank for Park Place Subdivision, Phase 2, leaving a balance of \$103,601.54 subject to payment of engineering fees and street light bills to the Town.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #351 RE: Award of Bid Chili Avenue Improvement Project**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

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**WHEREAS**, bids for the construction of an extension of the westbound travel lane on Chili Avenue were received by the Town Clerk on October 10, 2003. Four bids were received as follows:

C.P. Ward	\$770,785.00
Keeler Construction	\$773,259.00
DiFiore Construction	\$886,767.50
Ramsey Construction	\$892,102.50

**WHEREAS**, the Project Engineer, Passero Associates, has reviewed the bids and the bidders' qualifications, and has recommended award of the bid to the low bidder.

**NOW, THEREFORE, BE IT RESOLVED** to award the bid for the construction of the Chili Avenue travel lane extension to C.P. Ward Contractors, in the amount of \$770,785.00.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #352 RE: Extension of New York State Snow and Ice Contract**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** that Supervisor Hendershott is hereby authorized to sign an extension to the Snow and Ice Contract with the State of New York, which extends the Town's current contract from July 1, 2005 to June 30, 2006 and sets an estimated amount for the 2003/2004 season at \$230,663.49.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #353 RE: Payment of Claims**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** to pay vouchers #4989-5242 totaling \$266,063.62 the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk:

GENERAL FUND	\$ 49,660.82
HIGHWAY FUND	76,983.07
H35 Chili Avenue D017381	118,380.33
CONSOLIDATED DRAINAGE	827.64
SPECIAL LIGHT DISTRICTS	8,978.26
H32 Union Station Park	10,833.50
H36 Chili Sewer Improvement Benefit #1	400.00
TOTAL ABSTRACT	\$ 266,063.62

APPROVED BY A VOTE OF 4 YES

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**PUBLIC HEARING**

A Public Hearing was held by the Chili Town Board on October 15, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:04 p.m. actual time) to consider the rezoning application of Chili Meadows located at 741 Paul Road from RB to PNOD.

Attendance as previously noted in the 10/15/03 Chili Town Board meeting minutes.

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Supervisor Hendershott stated the public hearing that they are having tonight is regarding a change or a possible change in zoning before the Town Board. He stated this is specifically a change of zoning. He stated this does not involve issues of planning, issues such as drainage or wetlands or any of that stuff. He stated it is not that those issues are not important to all of the people on the Board, but regarding the zoning, the possible zoning change, they are not really relevant to the zoning change per se.

Supervisor Hendershott stated right now this property is currently zoned as RB, which is Restricted Business. He stated one of the purposes of RB, the main purpose is to provide for the location of professional and administrative offices and related activity. He stated under the present zoning, the use of that property is for an office park. He stated if one went to Gates Business Park off Buffalo Road by Wendy's, uses that could go in there would be an office park such as that, or down on Beahan Road, by the West Gate Nursing Home.

Supervisor Hendershott stated the permitted uses in there are licensed professionals and offices including attorneys, physicians, architects, accountants, specialized business and commercial schools, employment agencies, credit bureaus, data processing, management consultants, even manufacturers, agents, commercial artists. He stated those are all permitted uses that could go in an office park on the present zoning that would not have to come before this Board. Supervisor Hendershott stated and there are a couple conditional uses: Hospital equipment and medical supply distributors, medical and dental laboratories and uses of similar character. He stated so that is the way the zoning is right now. Supervisor Hendershott stated what that means is is that if somebody would come in with a proposal that would include this, they would still have to go through the planning process. He stated all of the things of importance to the Planning Board and the Town would be considered under that without having to come to this Board for consideration of any zoning change.

Supervisor Hendershott stated now, what is before them is to possibly change the zoning of this to PNOD or Planned Neighborhood Overlay District. He stated the purpose of that is land uses shall consist of a mix of Residential, Neighborhood Commercial, Restricted Business and open space uses, so what the purpose under that is, is to have a mixed use to the area in there as opposed to one single use. He stated now some of the things that can go into there would be senior citizen units and complexes, single-family detached units. He stated the things that he already listed for Restricted Business could go in there, both the permitted and the conditional uses. Supervisor Hendershott stated Neighborhood Business permitted uses and conditional uses such as barber shops and dry cleaners, funeral homes could go in there; and under conditional uses, they could have residential units above a non-residential use such as an apartment above something, but it would have to be over something less than 10,000 square feet.

Supervisor Hendershott stated so in essence, what this zone does is it provides for more of a transition with a mixed use. Supervisor Hendershott stated so what they will have to be facing is, is the question of is the use allowed under the PNOD more beneficial to the Town and to the neighboring properties than what the current zoning under RB is. He stated that is essentially the question that is before them. Supervisor Hendershott the public hearing is to consider the specifics of that.

Supervisor Hendershott stated he asked Mr. Kress to be with them this evening, the Director of Planning and Zoning. Supervisor Hendershott asked Mr. Kress if what he pretty much summarized is accurate for the Board and for everyone to understand. Daniel Kress stated he thought that it was a fair summary.

Supervisor Hendershott stated the applicant was present this evening, Mr. Fallone.

Don Carpenter was present to represent Mr. Fallone on this matter. Mr. Carpenter stated this application is for the rezoning of RB to PNOD. He stated this plan that they have is one of many they have drawn up and presented to the Planning Board, and to the Town staff. He stated it is sort of a possibility of a development showing the planning issues they are going to iron out with the Planning

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Board, if the Town Board decides to recommend this for rezoning.

Mr. Carpenter stated this area was one of the areas that was targeted by the Town's last comprehensive plan as an area that would be a likely candidate for rezoning to PNOD, so they are within the Town's master plan. He stated what they are proposing is some flexibility of use at the front of the property. He stated they are trying to propose some apartment buildings to sort of stage into the residential uses to the south.

Mr. Carpenter stated they are showing on this plan 20,000 square feet of office, 20,000 square feet of permitted use retail and the layout shows 140 apartment units.

Mr. Carpenter stated there have been some recent articles that contained some comments from concerned residents. He stated he just wants to make a couple things clear. He stated somebody mentioned there is a 12-acre wetland on site. He stated they have had the wetland delineated and there are 6.75 acres on the site. He stated they do not plan on developing anything within the wetland beyond the half an acre they are allowed under the nationwide permit. He stated they have not yet submitted an application to the Corps for the permit because the site plan is not solidified enough so that they know exactly where they are going to be intruding into the wetland, if anywhere at all.

Mr. Carpenter stated the reason that he is sort of surmising that half an acre will be necessary is the Planning Board has voiced a desire for two road crossings in the wetland, and obviously that is going to create some limited intrusion into the wetland.

Mr. Carpenter stated the intent here is to transition from the high intensity retail uses to the north in the Wegmans plaza to a lesser intense use like the apartment buildings, to transition them to the residential uses to the south.

Supervisor Hendershott asked has a market study been done on this. Mr. Carpenter stated they did do a market study, and demographics support a project like this in Chili, although they are cognizant of the fact that there are other apartment complexes that are under way in Chili. He stated their specific target is kind of a mid to high income level of retirees, and that's the highest population increase in Monroe County for during the past decade, 1990 to 2000. He stated so the market study really supports the project, and in actuality, the market study tells them that this project will still leave the Town deficient of these type of units. He stated he has submitted the market study and the wetland delineation to the Town Planning Board.

Supervisor Hendershott stated he would like them to give a copy to the Town Clerk for him to keep in his office. Supervisor Hendershott sometimes it is easier for people to get in there to take a look at it.

Councilman Slattery stated they said that many plans have been submitted to the Planning Board. Mr. Carpenter stated up until now it has been an informal review with the Planning Board, which is the process for the rezoning. He stated so they haven't actually formally submitted anything except the first plan. He stated the larger plan which was a little more intense, the Planning Board voiced their wish for a more flexible layout and one that is a little less intense, so they did that, and they came back and presented to the Planning Board at their meeting five or six plans that they have gone over, and also showed them some other plans for development of this area that they have looked at for the last seven or eight years.

Councilman Slattery clarified so they have submitted five or six different plans to the Planning Board then. Mr. Carpenter stated that was correct. Councilman Slattery asked should they expect a different plan to come forward. Mr. Carpenter stated he thought the Planning Board's exact words were they are getting there, they are close, but there is a lot of work to be done. He stated they sort of like the layout being shown tonight. Mr. Carpenter stated he supposes it could change, depending upon the results of their interaction with the Planning Board, but from this point forward, they are going to be working closely with the Planning Board members to try and create a sort of model for the PNOD. Mr.

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Carpenter stated they are well aware of the fact this is the very first PNOD district that will be created.

Councilman Slattery asked in comparison, what would they compare this project to. He asked is there one locally maybe in Monroe County that this is going to be similar to. Mr. Carpenter stated he thought the layout and the use is kind of similar to College Greene, and in a lot of ways it does lend itself to be very similar to the campus as a whole of Roberts Wesleyan. He stated he did not think there are any commercial or office uses in the College Greene facilities. He stated he thought that is going to end up very similar.

Councilman Slattery asked if this would have apartment buildings. Mr. Carpenter stated it would. Councilman Slattery stated College Greene has individual homes. Mr. Carpenter stated they have some apartment buildings and some individual homes. He stated these are scaled down. He stated these are not very large. He stated they are four-unit buildings, so they're really less like a multi-family apartment building and more like a residential home.

Councilman Slattery asked if they are targeting more seniors. Mr. Carpenter stated they are targeting early retirees from 45 and 50 and up, empty-nesters that have the means monetarily to maybe purchase in a neighborhood like this, and also have the desire to be in a planned neighborhood that offers all of the amenities like close proximity to the banks and grocery store, and this will be in a very park-like setting, so that is kind of what their theme is.

Councilman Slattery stated they did mention the wetlands, and he knows there are some concerns with the drainage. He stated from what he understood, there was going to be a meeting with somebody in the neighborhood. He asked was that done yet. Mr. Carpenter stated they have not yet met with anybody in the neighborhood. He stated they do understand there is a drainage concern from the southeast neighbor, the drainage that comes down along the opposite side of Paul Road. He stated they have some concerns and they would like to help them address them as part of this project.

Councilwoman Ignatowski asked if these would be one-bedroom apartments, or will there be twos or threes. Mr. Carpenter stated he believe there are twos.

Councilwoman Ignatowski asked are the plans being submitted to the Conservation Board, as well. Mr. Carpenter stated they have not made formal submittal to the Conservation Board. He stated that is something that will happen during the actual formal Planning Board review. Councilwoman Ignatowski stated the reason she asks that, in the Chili Town Code it says that they need to see a recommendation from the Conservation Board before they can vote on this, unless she was reading it wrong.

Supervisor Hendershott stated that is a good point. Supervisor Hendershott stated he neglected to say that he just wants to assure everybody present, they are not taking action on this application this evening. He stated it looks like they will not be able to take action on it until their second meeting in November, just because of the process. He stated so they are holding the public hearing. He stated they are under an obligation to do that, and they will gather the information about this and pass it on. He stated that will give them absolutely plenty of time to take care of that concern.

Councilwoman Ignatowski stated she did not think they're looking for a complete full blown plan, but they need the concept so they can have a recommendation to the Town Board. Mr. Carpenter stated he understood.

Councilwoman Sperr asked were they planning on trying to connect this project with the parking lots, with the Wegmans complex. Mr. Carpenter stated he believes that was the intent. He stated he did not know if that is going to happen. Councilwoman Sperr asked has Wegmans given them permission to connect their project with their current project. Mr. Carpenter stated not as of yet. Councilwoman Sperr asked do they expect they will. She stated it sounds doubtful. Mr. Carpenter stated they are trying to make it attractive to them.

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Councilman Slattery stated if they can, if not so much a vehicle access onto the property, perhaps a pedestrian walkway, sidewalk leading to their facility. Mr. Carpenter stated they are in negotiations with Wegmans. He stated he knows that is not what everyone read in the paper. He stated they are trying to contact the Property Managers at Wegmans and introduce this concept to them.

Councilwoman Sperr asked where is the entrance and exit to the parcel compared with the Wegmans project and the curve in the road. She asked where do they anticipate that coming out. She stated it is a concern mentioned to her from people. Mr. Carpenter stated they are actually proposing the exit and entrance to be directly across from the two existing side streets here, Grinnell and Stal-Mar Circle.

Councilwoman Sperr stated that is where the concern was expressed to her. She stated people felt Grinnell would be a super short-cut and that won't please the neighborhood. She stated that has already been brought to her attention. She stated she does not think they will be happy. She stated it makes sense to put it there but not from the standpoint of the people that live on Grinnell. Mr. Carpenter stated that is always a consideration. He stated that will definitely be looked at by the State.

Councilman Slattery asked where are they in regards to the State as far as their approval. Mr. Carpenter stated they have not submitted anything to the State, to D.O.T, so obviously they haven't heard any comments from them. Mr. Carpenter stated he does not believe the County DRC is a part of the approval process yet.

Councilwoman Sperr stated if she were sitting out there in the public, she would want to know what they wanted to put in this project that they couldn't do if it were zoned RB. She stated it looks like it is the apartments. Mr. Carpenter stated that was correct. Councilwoman Sperr stated so they would be able to put the apartments in with the PNOD change. She stated otherwise they could potentially fill it with more professional buildings. Mr. Carpenter stated actually they had one layout where they proposed an office park. He stated the intent of the PNOD is to allow uses that would create a buffer and create flexibility and placement of permitted uses. He stated as he said, that is what they are attempting here, to have a transitional area that goes from Commercial to Residential.

## COMMENTS OR QUESTIONS FROM THE AUDIENCE:

### GAIL LYLE

Ms. Lyle stated this hearing is to consider rezoning at 741 Paul Road. She stated she has been told it is only the first step and don't worry about it. She commented they should wait until the bulldozers are started and that is when everyone should get concerned. She stated this rezoning is the first step to destroy this area.

Ms. Lyle stated while researching through the Town records, she realized Mr. Don Faso was Planning Board Chairman in 1988 and 1989 and he was on the Master Plan Committee. She stated, therefore, he knew about the Chili Corridor Study. Ms. Lyle stated Mr. Steve Hendershott was liaison to the Highway Department and Councilman in 1990. She stated both gentlemen, therefore, knew all about the rezoning of that Residential property to Restricted Business. She stated they, therefore, had to know that the Town had promised them never to rezone this again, yet neither of them acted as if they knew what she was talking about.

Ms. Lyle stated she went back through the records and under the Councilmen's Reports from the minutes of August 13, 2003, Councilman Powers questioned why Supervisor Hendershott was setting a public hearing before the Planning Board had made a recommendation to rezone RB to PNOD. She stated Councilman Powers stated he always thought they waited until they got a recommendation from the Planning Board before they set any public hearing. Ms. Lyle stated he asked how do they know what they're going to recommend, unless of course this is a done deal.

Ms. Lyle stated the residents in North Chili, specifically those concerned about the Pride Mark Homes

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development, the proposed apartment complex, feel that is going to slide right on through. Ms. Lyle stated they're asking is this another done deal.

Ms. Lyle stated this isn't how their government should work. Ms. Lyle stated residents think the various approvals indicate that the Town supports the project in North Chili, therefore, they're thinking a lawsuit.

Ms. Lyle stated in August, the Paul Road site was brought before the Planning Board. Ms. Lyle stated Mr. Carpenter said, as indicated in the records, the apartment will be a senior community, this is all targeted to senior housing. Ms. Lyle stated in October the Chili Post quoted Mr. Carpenter saying the apartments will appeal to but will not be limited to retirees and seniors. Ms. Lyle stated the code says senior apartments only. She stated these apartments will not have garages. She asked can anyone view seniors cleaning snow off their cars in 30 degree weather or shoveling snow to get to their cars. She stated these are going to be senior apartments, or so they say.

Ms. Lyle stated Mr. Carpenter was quoted in the records saying the federal wetland has been delineated back in April. She stated he said at least once, if not twice, that the delineation was done. She stated the Army Corps of Engineers in Buffalo could not find any papers on this project. She stated when papers come in, they're entered into the computer and assigned a manager. She stated as of today, no papers have been received. Ms. Lyle stated Mr. Carpenter just again tonight said the study has been done. She stated she questions if it has been done.

Ms. Lyle stated Mr. Carpenter continued in the records to indicate they are proposing both entrances directly across from Grinnell and Stal-Mar Circle, as well as an access through the existing Wegmans plaza for which they are in the process of negotiating with Wegmans. She stated as of yesterday, Wegmans has not been contacted by anyone from this project nor will they allow the road to connect to them. Ms. Lyle stated she was at their offices yesterday. Ms. Lyle asked if there were any Wegmans representatives present this evening, and no one responded.

Ms. Lyle stated Wegmans is also concerned about their customers leaving their plaza with a cross street a little more than two car lengths away from their plaza. She stated the Town has been notified twice by Wegmans that they are adamant that this is not going to happen, and that they're concerned about their shoppers. She stated in fact, Don Faso said there is a problem with people coming out of Wegmans parking lot. She stated traffic on Paul Road and trying to turn on Grinnell, that is a nightmare. She stated there are so many close calls, there is going to be a fatal there at that intersection and now they would be adding another one, in the opposite direction. She stated the records indicate Don Faso thought they are compounding the problem.

Ms. Lyle stated anything that happens to this property is relevant to the rezoning. She stated they are developing a nightmare. She stated the Town knows, as Mr. Faso has stated, someone is going to get killed.

Ms. Lyle stated according to the County Planning Department, the normal process for SEQR review should be completed before the area is rezoned. She stated the permit should be in hand, and she does not believe they have such a permit, because they don't have any records of any application for such, nor do they have any information on 741 Paul Road.

Ms. Lyle stated the New York State Department of Environmental Conservation has sent a letter dated September 25th, 2003, to the Town Clerk, Richard Brongo. She stated she gave him a copy of this letter this morning. She stated part of the letter goes into the detail of what is the Town supposed to do, and so far the information has not been received back. She quoted the letter as follows: "The lead agency must determine the significance of the project as required by Section 6 NYCRR 617.7 of the regulations. The lead agency will make the determination of significance after reviewing the action, the EAF, and supporting documentation; analyzing the relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and setting forth its determination

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of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation. The determination of significance by the lead agency will either result in a positive declaration that the action may include the potential for at least one significant adverse environmental impact and an Environmental Impact Statement, EIS, will be required, or a negative declaration that the action will not result in adverse environmental impacts or that the identified adverse environmental impacts will not be significant and an EIS will not be required. The lead agency must follow the document preparation, filing, publication and distribution of the positive declaration and negative declaration documents as outlined in the Section 6 NYCRR 617.12 of the regulation.

The DEC has no objections to the Town Board of the Chili being established as the SEQR lead agency for the environmental review of this action. However, until a location map and copies of the full EAF and application for request for rezoning are received by the DEC Region 8 office, we cannot make a determination as to whether DEC is an involved agency."

Ms. Lyle stated they underlined, "Please submit this information and any other information related to the development of this property to DEC so we can make our determination on whether we are an involved agency and so we can provide comments on any potential environmental impacts which should be considered in the SEQR review."

Ms. Lyle stated so far such information has not been received.

Ms. Lyle stated they list ten points that the Town should be following for this application. Ms. Lyle quoted the letter as follows: "The 36 acre parcel is bisected by a northeast-southwest flowing Class C tributary of Black Creek. There are no mapped New York State Article 24 Freshwater Wetlands on the property.

The National Wetlands Inventory map depicts three contiguous wetland areas associated with the stream corridor. These wetlands, from northeast to southwest, are classified as PFOIE (-33,658m<sup>2</sup>), PSS1/EM5E (-22982m<sup>2</sup>) and PFOIE (-5888m<sup>2</sup>).

The apparent wetland complex extends beyond the parcel boundary to the southwest.

The total area of these three NWI wetland areas is 15 acres, suggesting that this wetland complex may meet the criteria for inclusion on the New York State Freshwater Wetland Map.

The wetland areas on this parcel are likely jurisdictional for the Army Corps of Engineers under the Clean Water Act Section 404. It is recommended that the Town require a complete wetland delineation of the parcel by a qualified professional using the 1987 Corps methodology to determine the extent of Corps jurisdiction."

Ms. Lyle stated again, they have no record of this.

Ms. Lyle quoted the letter as follows: "If the Corps has a permit approval jurisdiction over developmental activities on the property, they are likely to require that the DEC make a determination (Water Quality Certification, pursuant to Section 401 of the federal Clean Water Act) that discharges from the proposed activities (including filling of federal wetlands), for which an applicant is seeking a Corps permit approval, will comply with the applicable effluent limitations, water quality standards, and any other applicable conditions of state law. The requirement for a Water Quality Certification determination approval would make DEC an involved agency.

Also it is recommended that the DEC receive a copy of the wetland delineation report. DEC will then make an on-site investigation of the contiguous wetland areas on adjacent properties to ascertain that the wetland meets the criteria for inclusion" --

Ms. Lyle stated they will send field people out, and walk the wetland and mark it so that they know where it is, and just what -- "inclusion on the Freshwater Wetland Map for Monroe County. If so, the DEC will consider initiating the map amendment process to include the new wetland as a mapped New York State Freshwater Wetland.

The project site is located within an archaeologically sensitive area, based on information derived from the New York State Archaeological Site Map. The review of the project under the State Environmental Quality Review will need to include an assessment of the potential impact of development of the property on cultural resources, both archeological and structural. A consultation is recommended with the New York State Office of Parks, Recreation and Historic Preservation.

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As of January 3rd, 2003, the DEC has finalized new permits for stormwater discharges. These new requirements will help reduce water pollution caused by stormwater. Projects that involve one acre or more of land disturbance must obtain SPDES permit coverage."

Ms. Lyle stated the Army Corps of Engineers was kind enough to send her this article about building on the wetlands. She asked why do they want to protect the wetlands. She stated they may have grown up thinking that wetland was one converted to another use, drained for agriculture. Ms. Lyle stated wetlands add to the social and economic health of their nation by the way of filtering pollutants, nutrients, sediments, water quality of lakes, rivers, streams and wells; by storing runoff from heavy rains and snow melts, they reduce flood insurance needs; by providing open space, they enhance the quality of life, private property values and tourism.

Ms. Lyle stated many of the values were not widely appreciated until the 1970s and '80s. She stated by then more of the half of the nations's marshes, swamps, bogs and prairie potholes were gone. She stated they needed to come up with wetland laws. She stated it was crucial and immediate. She stated the local, state and federal governments responded by creating their own regulatory rules. She stated if the wetland location or boundaries must be determined more precisely, they may request a delineation by the Regional Corps' Offices, or it can be done privately, but they still say they do not have anything from this developer.

Ms. Lyle stated the second thing is the basis about the regulations. She stated they have to keep in mind that programs at three levels of government, local, state and federal may regulate activities in the wetlands. She stated they're asking to modify a project design or location, if necessary. She stated they are saying they should make a check list of laws that affect your property, look for design alterations that allow the wetlands, minimize the project scope and impacts. She stated if the project designed can't be altered to comply with applicable regulations, they should try to change the location or investigate an alternate use for the property.

Ms. Lyle stated they should remember that the developer needs permits from two or more regulatory agencies and each permit must be applied for before they begin. She stated if this is violated, these permit requirements are cause for enforcement action by state, local or federal authorities which may impose fines and require compensation. She stated as a prior homeowner learned, the fine is \$3,000 and \$1,000 a day for every day of the violation of the wetlands.

Ms. Lyle stated the U.S. Army Corps of Engineers has jurisdiction over activities and waters of the United States including wetlands under the following regulations: The Clean Water Act Section 404. She stated this section of the act regulates discharges to waters of the United States including soil involvement and the placement of certain pilings and wetlands and establishes a permit program to ensure that such discharges comply with environmental requirements. She stated discharges of dredged and fill material are regulated for all waters and wetlands regardless of the size. She stated pre-approved general or nationwide permits may be available for specific minor activities in the wetlands. She stated but compensation, mitigation is only accepted for unavoidable losses under the federal program. She stated the Corps administrates the federal program and they're saying you better have a permit in your hand before you put a shovel in these wetlands or they will shut your job right now.

Ms. Lyle stated also if this does come under the DEC, there will be an established 100 feet border to protect and preserve the area around the wetlands.

Ms. Lyle stated according to the County Department, the normal processes for review should be completed before the area is rezoned. She stated the permit should be in hand. She stated she does not believe this is done because no information for 741 Paul Road has been received.

Ms. Lyle stated her other concern is a private one, because their home is the one that is going to get the backlash if these wetlands are damaged, destroyed or moved. She stated the water has to go

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someplace and if it doesn't go down, which it is blocked, it is going to come back. She stated either way they will be displacing a large amount of water. She stated they have no idea until they go in there and really measure what is in there.

Ms. Lyle stated there is an area farmer who says that this property has never been developed or farmed. She asked have they ever thought about why that happened. She stated he said, because it is so wet in there, it is not able to be farmed. She stated they can farm down at the area they call Archer Lake, but that area is tiled and the water will drain off rapidly. She stated this water, in this area is so big, and so great, that if there are ten acres to develop in there, they're really lucky. She stated so it is not safe to farm, let alone to build on.

Supervisor Hendershott stated he was sure that all of the laws that they have to follow and all of those things will be addressed by the Planning Board.

BEVERLY NEDER, 82 Attridge Road

She stated she is opposed to the rezoning of this land to more residential apartments. She stated as it is in Chili now, they have an over abundance of apartments. She stated studies by the Center for Governmental Research show that apartments use more in services than the Town gets back in taxes from them.

Ms. Neder stated she thought it should remain as it is for business. She stated they need to bring business into Chili. She stated people would come there and probably shop at nearby stores. She stated it might even boost the K Mart store and other surrounding small establishments in the area.

Ms. Neder stated she thought for once the people on the Planning Board and the Town Board should remember the promises that they made to these people when that property was rezoned before. She stated people on the Board's are so anxious to tell people what they think they want to hear, that they will tell them well, they won't ever do this again. She stated five, ten years down the line, they forget what they said, on purpose, not thinking that the residents are going to remember. She stated well, they do remember.

Ms. Neder stated she has been involved with the Union Square project in North Chili. She stated conditions were set down on that project which were supposed to make them feel comfortable over there. She stated those conditions have not been followed, and they have been flaunted at every single turn. She stated she has no confidence in the word of the Planning Board or the Town Board when they tell everyone things will be taken care of, because they're not.

Ms. Neder stated they should leave this as it is. She stated it is not a hardship to the developer. She stated he knew what that land was when he bought it, and he knew what it was zoned.

Ms. Neder stated Mr. Fallone, at least in North Chili, has a reputation for leaving projects unfinished. She stated they have had to look at that North Chili Plaza over there on the corner of Union and Buffalo Road, being a wreck all summer long. She stated yes, they have planted grass and graded the front, but the whole parking lot itself is a disaster. She asked and until he gets one project finished, why start up on another one.

PAUL DOBELSTEIN, 32 Parkway Drive

Mr. Dobelstein stated he has a lot of concern through having had experience with another wetlands issue in North Chili several years ago. He stated he has a lot of concern any time the term "wetlands" comes up in conjunction with development. He stated his first concern has mostly to do with the Town that labored for far too many years to develop a master plan and now seeks almost any excuse necessary to do spot rezoning over that master plan. He stated they already had more than a hint of what was in store for them when overlay districts began to pop up before they actually had a master plan in place.

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Mr. Dobelstein stated he would like this Town Board to consider that there comes a time when they draw a line in the sand and say they have worked long and hard to develop a standard for their Town for development and they are not going to keep changing the rules for every development issue that comes before them. He stated in the particular case of the wetlands, they watched wetlands shrink conveniently to take them below the threshold for protection. He stated they watched rezoning of an area in North Chili to satisfy a developer's wishes to squeeze more revenue out of his land. He stated they watched the relief volume of a new sewer system for North Chili be cut almost in half by the proposed new development upon which the developer had rested his hopes for development.

Mr. Dobelstein stated psychologists generally agree today that the best predictor of future behavior is past behavior. He stated he is sorry to say that this Town's administration over the past 15 years has not bred a lot of confidence in people that they are going to pursue all of the necessary interests in maintaining the State's standards for wetland protection, the federal government's standards or most importantly the standards of the community.

Mr. Dobelstein stated he would discourage any, absolutely any rezoning plan where the admitted goal or the admitted consequence up front was encumbrance at all upon what the DEC says could very well be in the future a mapped wetland under New York State Wetlands Law. He stated they have watched in many places supposed buffer zones deteriorate, diminish, disappear all together. He stated they have watched things that have not been healthy for the ecology. He stated they would like the Board to firmly consider that the people and the people's long-term interests, at least those of them who plan to stay here, should best be served by taking into account all of the ramifications of what seems to be an inconsequential rezoning at the time.

Mr. Dobelstein stated he wasn't in attendance, but he heard fully about the content of a recent meeting of the Drainage Committee in which Mr. Slattery seemed to be trying to stifle public input. Supervisor Hendershott asked Mr. Dobelstein to please stick to the point of the hearing.

Mr. Dobelstein stated the Town Board appoints a liaison to go to these meetings and the liaison officer spends most of the time trying to stifle public input.

**DOROTHY BORGUS, 31 Stuart Road**

Ms. Borgus stated in Chili it seems that wetlands are a problem and a topic that keep reappearing. She stated in this case, she thought that this Board had best leave things alone. She stated they should leave that wetland as it is for various reasons.

Ms. Borgus stated number one, Wegmans is a good neighbor and a large taxpayer of this Town. She stated they obviously, from the comments a people who have spoken with them, are not in favor of tying into this. She stated this seriously compromises the viability of the project. She stated she thought that is an important consideration.

Ms. Borgus stated the traffic pattern, as proposed, is terrible. She stated she would argue with the engineers's comment that this is a less intense use than it would be if it were Restricted Business. She stated she would beg to differ with him. She stated this is a very intense use of this property. She stated she would also take issue with his comment that apartments are needed. She stated they have hundreds of them being built in this Town at the present time. She stated the Parklands of Chili, which are quite close to her, are springing up, and when they first were built, they were filling up quite rapidly. She stated but she notices that the three, four, five buildings that they have completed or near completion right now are not filling up. She stated and that leads her to believe that they have saturated the market. She stated the moving trucks were into those doors, those apartments almost immediately when the last paint brush was put down when they first were put up. She stated no more, no more. She stated they're sitting there obviously finished and nobody is moving in. She stated so she does not want to hear they need more apartments. Ms. Borgus stated then they have to deal with the hundreds of other ones that are on the drawing board.

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Ms. Borgus stated this rezoning is premature. She stated as she understood it, SEQR must be passed and approved before any rezoning takes place. She stated the Town has not done their work on this. She stated the developer hasn't done anything on it. She stated there has been no submission to New York State D.O.T. She stated there has been evidently no connection between the developer and DEC. She stated this just is very, very premature. She stated maybe this public hearing is premature. She stated maybe one should be held when there is a little more to talk about that is definite.

Ms. Borgus stated the wetlands on this map shrink every time she sees another version of the project. She stated it is incredible. She stated the wetlands just get smaller and smaller. She stated it is amazing how wetlands disappear in Chili. She stated wetlands are a valuable resource and important asset to their Town, and there isn't anybody in the DEC, the Department or probably in the Soil and Water Conservation Districts around who would do anything but suggest that wetlands should be left alone. She stated they need them. She stated they are there for a reason. She stated they should not tinker with these.

Ms. Borgus stated they have a master plan and when they want to do something like this PNOD, it is no more than spot rezoning renamed.

Ms. Borgus stated Dr. Fallone has established a reputation in Town for half-done projects and when he cleans up a few of the things he has got started, maybe he would have some right to come in here and ask to start another one.

BERNICE WILCOX, Stuart Road

Mrs. Wilcox stated everybody has about said it all. She stated she would like to say she is pretty much opposed to this project. She stated they have too many apartments in the Town now and she would like not to see any more. She stated she believes that they have come to believe that they have no confidence in the Planning, Zoning or Town Board in this Town, and for a good reason. She stated the Chili taxpayers have to pick up the mess that is left behind by developers. She stated no consideration is being given to the people of the Town and the developers hold situated.

Mrs. Wilcox stated a case in point is the Golf Links. Councilwoman Sperr stated that is not part of this hearing. Mrs. Wilcox stated there were wetlands that were flagged at Park Place, and they were destroyed recently. She stated she does not see why they are making or starting another project when they certainly cannot rely on their Planning, Zoning or Town Board to make sure that things are done in a proper manner. She stated she has asked repeatedly for a reply from Mr. Hendershott regarding the Golf Links on Ballantyne Road and has yet to receive one.

Supervisor Hendershott stated Mrs. Wilcox received a reply.

Mrs. Wilcox stated it is high time that people in the Town had some consideration especially when they haven't updated the Open Space Index.

JERRY BRIXNER, 14 Hartom Road

Mr. Brixner stated he is not an authority on this particular project. He stated he did not know if any of the Board members are authorities on this particular project as far as the area is concerned. He stated his open ended question is have any of the Board members actually visited the area. Supervisor Hendershott stated he has. Councilwoman Sperr stated she has. Councilman Slattery stated he has. Supervisor Hendershott stated three people. Mr. Brixner stated he could understand the reason why Ms. Ignatowski may not have. He stated he was glad the Board members have at least done that. He stated they have reason then to seek a rezoning.

Mr. Brixner stated he has attended two Planning Board meetings on this particular subject. He stated as he indicated, he is not an authority, but he has some thinking on it like everybody else does. He stated today he went over to visit with Mrs. Lyle because she had some comments and some questions.

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Mr. Brixner stated Paul Road and Stal-Mar Drive is a very heavy trafficked intersection. He stated the reason why he brings it up is a proposal is being put forth to put senior housing at this very heavily traveled intersection area. He stated he thought that would be very dangerous. He stated there is a slight bend or a slight hill in that area. He stated he thought it would be very dangerous for seniors coming in and out of that particular proposed complex in that particular location.

Mr. Brixner stated the issue of the wetlands has been addressed, and addressed quite strongly. He stated he did not think the applicant showed that he knew enough about the wetlands in the area. He stated according to Mrs. Lyle, he thought they should be quite concerned about wetlands.

Mr. Brixner stated within a three or four-week period, ending on September the 16th, he had asked for a definition of the wetlands territory and area at two of the Planning Board meetings, and at the August meeting, he got one defined dimension for the area, and on September 16th, all of a sudden, the definition of that area and that location changed. He stated he does not understand how wetlands can change within three or four weeks.

Mr. Brixner stated another aspect concerning the wetlands that has been brought out in the past, is this particular location is right in the heart of Chili, right in Chili Center. He stated Mrs. Lyle pointed out at an earlier Planning Board meeting that area is loaded specifically and particularly with a great deal of variety of wildlife.

Mr. Brixner stated he and Mrs. Lyle looked at some maps, and there were aspects of the maps that indicated a lot of the terrain in the area was not really buildable. He stated whether it was considered wetlands or not, it was considered land that might not hold the foundations of some of the housing projects that might be considered to be put into that particular area.

Mr. Brixner stated he is opposed to this. He stated he does not feel that enough study has gone into it. He stated it doesn't appear to him that enough applications were reviewed with the various regulatory agencies.

IRENE BRIXNER, 14 Hartom Road

Ms. Brixner stated Mrs. Lyle read a great deal of this letter, but some things really stand out in her own mind. Ms. Brixner quoted the letter as follows: "Your letter was not accompanied by any other information regarding the location of the property or details on the proposed project called Chili Meadows."

Ms. Brixner stated it seems that they treat these agencies the same way they treat the residents in the Town of Chili, the very, very bare minimum of information. She stated that startles her, because as she reads on and on through the letter, it is so involved that she does not understand how people like the Town Board members should not be more investigatory about this whole situation.

Ms. Brixner stated what really gets to her is Mr. Carpenter said six acres of wetlands. She stated according to what she saw, it says it is a 36-acre parcel that is bisected by a northeast and southwest flowing Class C tributary of Black Creek. She quoted the letter as follows: "There are no mapped New York State Article 24 Freshwater Wetlands on the property."

Ms. Brixner stated the third bullet indicates: "The National Wetlands Inventory map depicts three contiguous wetland areas associated with the stream corridor. These wetlands, from northeast to southwest, are classified as" -- and it has a variety of upper case letters that she does not understand.

Ms. Brixner quoted number four from the letter as follows: "The apparent wetland complex extends beyond the parcel boundary to the southwest.

The total area of these three National Wetlands Inventory wetlands area is 15 acres, suggesting that this wetland complex may meet the criteria for inclusion on the New York State Freshwater Wetland Map."

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Ms. Brixner stated the reason why this bothers her so much is she happens to have in her basement a sump pump that works continuously. She stated her electric bill is high. She asked what is going to happen when they start allowing builders to just fill everything in with dirt. She asked what is going to happen to the natural water way. She asked what is going to get backed up with problems in the future. She stated they try to tell her there is not going to be a problem for other people in this Town when this thing is built. She stated she says forget about doing this at the next meeting. She stated they should wait for Mr. Powers to come back. She stated he seemed to have some kind of interest in it earlier. She stated they should have a full Town Board decide this, because it is going to be meaningful to the people in this Town.

Councilwoman Sperr stated this is only a public hearing tonight. She stated they are not voting on anything. Supervisor Hendershott stated they are not voting on this until the 19th.

Ms. Brixner stated she is against this. She stated if one goes down to Mrs. Lyle's house and looks at that mess, all the culverts around her house, she is like the candle in the middle of a birthday cake. She stated it is terrible. She stated the Board will hear a lot more about this, because the word is going to spread on how this Town respects individuals around this area. She stated the Board members want votes, but they don't care to respect people at a time when they need their help.

Ms. Brixner stated Mrs. Ignatowski's being on the Drainage Committee, she must realize that there is a problem down there.

CHARLES RETTIG, 1032 Coldwater Road

Mr. Rettig stated he wished to address Mr. Hendershott and the entire Chili Town Board. He stated in regard to the proposed rezoning of 741 Paul Road, the Chili Meadows project, he wished to specifically clarify his comments in regard to the September 25th, 2003 letter from the New York State DEC Peter Lent, Regional Permit Administrator for New York State DEC Region 8 in Avon in regard to the Zoning Board's approval of this property from RB to PNOD, which has been done to date with the Zoning Board of Appeals specifically designating themselves as lead agency.

Supervisor Hendershott stated that is not true. He stated this has not gone to the Zoning Board. He stated this is a Town Board action. He stated Mr. Rettig and several other people referred to this letter from the DEC that the Town does not have. Supervisor Hendershott stated he can't address it.

Supervisor Hendershott stated the Town Board is responsible for the zoning. He stated that is what they are here for, having the public hearing for. He stated all the issues of wetlands will be addressed and they won't vote on this until all of the SEQR process is in place.

Mr. Rettig stated all he is addressing is that there was a Zoning Board of Appeals meeting at which there was a decision voted on by that Board to vote from RB to PNOD. Supervisor Hendershott stated he did not think so. He stated he did not want to interrupt Mr. Rettig any more.

Mr. Rettig stated he understood. He stated he was at that meeting. He stated he knows there was a meeting. He stated they specifically, as protocol, go through a lead agency process. Mr. Rettig stated maybe Supervisor Hendershott ought to attend some of the Town meetings and find out what happens.

Mr. Rettig stated this Chili Administration has again proven itself not being able or willing to follow the New York State Environmental Laws in its administration of duties and he specifically refers to the Links of Chili, Bill Howard's Ballantyne project which is the first such example of a wetland project with fines and remediation work required by the New York State DEC, which Mr. Hendershott, Mr. Howard and Mr. Kress claim not to have known anything about.

Mr. Rettig stated now they have a proposed rezoning at 741 Paul Road which is following suit with the

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Town Administration not following New York State DEC Environmental Law with the Town Board appointed lead agency for the Zoning Board of Appeals meeting.

Mr. Rettig stated there are drainage issues. He stated Mr. Slattery, as drainage liaison, should know that. He stated there are drainage issues. He stated Joseph Carr should know about that. He stated there are, in fact, environmental issues and Mr. Kress should know about that. He stated then the Town deserves to know, too, and that is why they want open government, not secret government.

Mr. Rettig stated now, according to the New York State DEC September 25th, 2000 letter from Peter Lent, requiring information from the Town to the New York State DEC, it specifically states that there are 30 days required to get all information necessary for a lead agency decision. He stated that has not been done. He stated, therefore, the public hearing, this public hearing is improper. He stated the previous Zoning Board rezoning of this property is improper, if not illegal.

Ms. Lyle stated Supervisor Hendershott stated he did not have the letter they were referencing. She stated she delivered it this morning to the Town Clerk, and he stated he had received it on or around September 25th. Supervisor Hendershott stated he did not personally have it. He stated he will make sure that he gets a copy.

The Public Hearing was closed at 7:08 p.m.

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**NEXT MEETING:**

Town Board - 6:00 p.m. Wednesday, November 5, 2003 at the Town Hall

The meeting was adjourned at 7:58 p.m.