

CHILI TOWN BOARD

March 5, 2003

A meeting of the Chili Town Board was held on March 5, 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: Councilman Powers, Councilman Slattery, Councilwoman Sperr and Supervisor Hendershott.

ALSO PRESENT: J. Donald Faso, Deputy Supervisor; Richard Brongo, Town Clerk; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor; 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 Chris Bacus of Anchor Christian Church.

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. Five speakers addressed the Town Board on various subjects, and the Public Forum concluded at 8:33 p.m.

The 2/5/03 Town Board minutes were approved as submitted.

REPORTS SUBMITTED:

Traffic & Safety Committee - 2/6/03
Zoning Board of Appeals - 1/28/03
Recreation Depart. Revenue Report - 1/03
Senior Center Revenue Report - 1/03
Community Ctr. Revenue Report - 1/03
Recreation Advisory Committee - 12/11/02
Conservation Board - 12/16/02
Examining Board of Plumbers - 2/3/03
Drainage Committee - 12/03/02
Library Board of Trustees - 12/17/02
Building Permit Report January 2003
Historic Preservation Board - 12/9/02, 1/13 and 2/10/03
Conservation Board - 1/6/03
Town Clerk Report - February 2003

COUNCIL MEMBERS REPORTS:

Councilman Powers asked if the letter of intent with Pius would be coming back to the Board. Supervisor Hendershott stated it did come back to the Board, he thought. He stated he would have to check the record. He stated it will come back to the Board. He stated is merely a letter of intent. He stated they still have to enter into the agreements on that, and that will come back to the Board.

Councilman Powers asked are they still going to have use of that soccer field they have always

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had behind the rectory. Supervisor Hendershott stated they will.

Councilman Slattery commented there are two fields there.

Councilman Powers asked should they do anything with Ranchmar Park in the way of fields, are they going to run their equipment through that area or will they take down and open up Sequoia so they can get equipment in there. Supervisor Hendershott asked what equipment was he talking about. Councilman Powers stated they will need equipment if they put soccer fields in. Supervisor Hendershott stated regarding the equipment to build the fields, he did not think that has been decided.

Councilman Powers stated a question or two was brought up regarding the Veterans of Foreign Wars. He stated he was making inquiry on the encumbrance for \$600 relating to the VFW. He stated Ms. O'Meara at the time didn't know anything about it and referred it to Joe. He stated Joe did respond and said that it was for a map of the property over there, the VFW property, and that that was an encumbrance that was gone. He stated Joe Lu's regular comment was they paid for engineering services; that it was going to be paid out of that. Councilman Powers asked why would they pay it out of there. He stated the VFW should pay it, number one.

Councilman Powers stated and number two, there are all kinds of stories coming out of the VFW about they are going to lay out a couple soccer fields over there, about the parking lot or road and that they are going to maintain them at Town expense.

Supervisor Hendershott stated maybe he could clear that up with a little information. He stated the VFW approached him as to whether the Town would be interested if they built some fields on their property for their use. He stated so what they did was, he talked with Joseph Carr to discuss is that something that is even a possibility. He stated there was no engineering work done on this by the Town. Supervisor Hendershott stated he did not believe the VFW has done any. He stated maybe they have.

Supervisor Hendershott stated all they did is they asked Lu Engineer's office is there room on there to do that. He stated all they did was just do an overlay on a drawing. He stated at the time that that was asked, Joseph Carr did not know if they were going to be charged on it or not. He stated but what was done was, he put that in for an encumbrance. He stated as it is, they are not being charged for at that all. He stated it is not coming out of a different account or anything. He stated they're not charging them because there was no engineering work done on it.

Supervisor Hendershott stated the VFW is going to pursue doing this. He stated they would be the ones responsible to do the fields. He stated they asked what would be the need for the Town, and that is really where it is.

Supervisor Hendershott stated now, whether the VFW goes through and does that, at their expense, or they get volunteers or outside people to donate it, he really did not know. He stated but they are not going in there to build any fields.

Councilman Powers stated okay, it is on record. Supervisor Hendershott stated they are not going

in on the VFW property to build fields.

Councilman Powers stated what bothers him is when they came in for site plan approval years ago. Supervisor Hendershott stated he had more to add yet. He stated they originally, when they came in for that property, had a sports field on there, so their intent, is what they're telling him, is that they always were going to put something back there and make it available to the Town. He stated so they are just following through on that. Supervisor Hendershott stated how close that is, he did not know. He indicated he did not know if they have got someone that is going to donate equipment or fill to do those and whatever appropriate parking. He stated that is going to be up to them to do. Supervisor Hendershott stated that is where it stands. He stated it was merely an inquiry to them, is that something that they would be interested in doing, and in what form.

Councilman Powers stated but they won't sell liquor. Supervisor Hendershott stated he believes they have a liquor license. Councilman Powers stated they will be filtering kids in and out of there possibly. Supervisor Hendershott stated he does not believe they would be interested in violating the law, if that is what was being asked of him. Councilman Powers stated he didn't say they would.

Supervisor Hendershott stated the kids playing there and their sports programs, they would probably be under 21, he would think. Councilman Powers stated he does know they're contemplating on changing the hours that they're open. Supervisor Hendershott stated he was not aware of that.

Supervisor Hendershott stated there was an individual that was a long-time member of the Fire Department, Past Chief Bob Hall that passed away this week. He stated his calling hours were this evening, but he just wanted to make note to the Board that he did know Bob personally, he was a great guy and he sure will be missed by a lot of people. Supervisor Hendershott stated he was still active in the Fire Department even though he went exempt.

Supervisor Hendershott stated there has been a lot of confusion in the community as evidenced tonight about some of this stuff. He stated the Town does have some properties, and they are near the airport that have Empire Zone designations, but the benefit of the Empire Zone designation is that the Town, County and school districts receive 100 percent of what the taxes would be on that, so it is a program that is very beneficial. He stated the Governor was talking about changing that so the towns and counties would pay up some, but fortunately the Governor has seen the error of his ways and that is not going to take place.

Supervisor Hendershott asked Joseph Carr to comment to the Board regarding the heat at the Cobblestone Schoolhouse and the Baker property. Joseph Carr stated first he wanted to correct for the record, one of the entries on the abstract has been voided, so the cost is reduced from what they may read on that.

Joseph Carr stated this subject had come up several months ago, and the staff and he have looked at this situation. He stated currently, the heat at the Cobblestone building is set at the very lowest setting. He stated it is just a pilot light that comes on, and it's set no more than a tick above that, so they have very minimal heat. He stated if there is an event, they simply turn that

up an hour or so before the event and then turn it back down. He stated it is set at the very minimal temperature.

Joseph Carr stated he thought it is important that they maintain the minimum temperature to protect the building and contents. He stated they have done what they can to reduce their expenses there. He stated there is no heat in the bathroom areas. He stated that has been turned off for the winter. He stated if they need that facility, they can turn that on, but currently that system is turned off.

Joseph Carr stated the same is true with the Baker property. He stated the heat settings are at the very lowest settings just to maintain the building, and so they are doing what they can do to reduce that cost to a minimum.

CORRESPONDENCE:

Memo dated 2/20/03 from Richard J. Brongo, Town Clerk, stating that he has received notification from Don Aselin, owner of Amateur Sports Programs, Inc. located at 525 Ballantyne Road, that they have made application for a Seasonal Beer Permit Renewal with the State Liquor Authority.

IN MEMORY OF JOHN O. CROSS

RESOLUTION #155 RE: In Memory of John O. Cross

Offered by: Supervisor Steve Hendershott

Seconded by: Council Members James J. Powers, Mary Sperr, and Michael S. Slattery

WHEREAS, on February 24, 2003 John O. Cross passed away and we are deeply saddened by his loss to the Town of Chili. John contributed to the town in many ways. He was a member of the Board of Assessment Review since March 19, 1986 and of the Planning Board since August 2, 1984. John became Chairman of the Planning Board in February 1995. He also volunteered on the town's Master Plan Update Committee. He was a true public servant and will be greatly missed by all whom he touched.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Chili hereby extends their deepest sympathy to John's family, and,

BE IT FURTHER RESOLVED that this special page of these Town Board Meeting Minutes are set aside in his honor and a moment of silence in hereby taken in John's memory.

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to send a certified copy of this resolution to John's family.

UNANIMOUSLY APPROVED

RESOLUTION #156 RE: Extension of Consolidated Drainage District

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED that the Consolidated Drainage District be extended to serve the Zukatis Town Line Subdivision located at 12, 14 and 16 Chili Riga Town Line Road. The tax account numbers are 171.020-02-001.000, 171.020-02-002.000 and 171.020-02-010.000. The Applicant/Owner, Eileen A. Zukaitis, has paid the requested fees.

UNANIMOUSLY APPROVED

RESOLUTION #157 RE: Extension of Consolidated Drainage District

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED that the Consolidated Drainage District be extended to serve Corio property located at 816 Ballantyne Road. The tax account number is 159.03-1-9.11. The Applicant/Owner, Mark Corio, has paid the requested fees.

UNANIMOUSLY APPROVED

RESOLUTION #158 RE: Extension of Consolidated Drainage District

Offered by: Councilwoman Sperr

Seconded by: Councilman Slattery

BE IT RESOLVED that the Consolidated Drainage District be extended to serve Rosati properties located at 93 and 97 Ballantyne Road. The tax account numbers are 147.19-1-55 and 147.19-1-56. The Applicant/Owner, Steven Rosati, has paid the requested fees.

UNANIMOUSLY APPROVED

RESOLUTION #159 RE: Rezoning of 4215 Buffalo Road from R-1-15 to G.B.

Offered by: _____

Seconded by: _____

BE IT RESOLVED that the property located at 4215 Buffalo Road and owned by Richard Gilmore be rezoned from R-1-15 (Residential) to G.B. (General Business). The tax account number is 132.14-1-54. The Applicant/Owner, Richard Gilmore, has paid the requested fees.

HELD

**RESOLUTION #160 RE: Acceptance of Environmental Record and
Determination of Non-significance on Local Law #1 of 2003**

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, the Town Board is the only Involved Agency, as defined in the State Environmental Quality Review Regulations, for the Action identified as Local Law #1 of 2003; and

WHEREAS, the Town Board has reviewed the Environmental Record on said Action and has found the Environmental Record adequately identifies the anticipated environmental impacts likely to result from the adoption of said Local Law; and

WHEREAS, the Town Board has reviewed the Determination of Non-Significance and has found it properly summarizes the pertinent information from the Environmental Record.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby accepts the environmental Record; determines the action to adopt Local Law #1 of 2003 will have no significant adverse impact on the environment and does hereby make a Determination of Non-Significance; and directs the Town Supervisor to sign, date and file said record with the public file on said action.

3 YES TO 1

NO (Councilman Powers voted no.)

**RESOLUTION #161 RE: Adoption of Local Law #1 of 2003 "Amending the
existing Section 115-34 of the Code of the Town of Chili entitled "Sign Regulations"**

Offered by: Councilwoman Sperr

Seconded by: Supervisor Hendershott

WHEREAS, a proposed Local Law #1 of 2003 "Amending the existing Section 115-34 of the Code of the Town of Chili entitled "Sign Regulations" was introduced to the Town Board of Town of Chili by Counsel on the 5th day of February 2003; and

WHEREAS, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York of the 5th day of March 2003, a public hearing was held at 6:00 p.m. to consider adoption of the proposed Local Law #1 of 2003 "Amending the existing Section 115-34 of the Code of the Town of Chili entitled "Sign Regulations"

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Chili hereby enacts Local Law #1 of 2003.

BE IT FURTHER RESOLVED that said local law shall take affect upon filing with the Secretary of State by the Town Clerk.

3 YES TO 1 NO (Councilman Powers voted no.)

RESOLUTION #162 RE: Chili Youth Recreation Center Task Force

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, the Town of Chili has long supported our youth through recreational programs and activities, and,

WHEREAS, the leaders of Chili Soccer, Chili Baseball, and Chili Lions Football, as well as the Town's Recreation Director, and the Lacrosse Coordinator have all expressed an immediate and long term need for indoor facilities for our youth, and,

WHEREAS, the nearby Towns of Webster and Perinton have recreation facilities that include indoor soccer fields, ice rinks, and swimming pools, and our neighboring towns of Gates and Greece have branches of the YMCA located within their towns which serve the youth of those communities, and,

WHEREAS, the Town acquired approximately 25 acres of land which became the location for Town Hall and the Library and has additional unused space which can accommodate additional facilities, including an indoor youth recreational facility, to benefit Chili residents.

NOW THEREFORE, BE IT RESOLVED to create the "Chili Youth Recreation Center Task Force", consisting of eight members to include a representative from Chili Soccer, Chili Baseball, and Chili Lions Football; Robert Hilton, Chili Lacrosse Coordinator; Eric Bacon, Director of Recreation; Councilman Michael Slattery; and two members of the community at large to be named by the Town Board, and,

BE IT FURTHER RESOLVED that this committee is charged with formulating recommendations to the Town Board evaluating and identifying: the immediate, short term, and long term needs for indoor operational space; prospective users of such a facility; and, the estimated cost to complete such a facility.

UNANIMOUSLY APPROVED

RESOLUTION #163 RE: Marching Bands for "Chil-E Fest"

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED that Supervisor Hendershott is hereby authorized to sign an agreement with Sherman Handyside/Brighton Fire Department Marching Band to perform at the "Chil-E Fest" parade on July 19, 2003 at the cost of \$450.00; and

BE IT FURTHER RESOLVED that Supervisor Hendershott is hereby authorized to sign an agreement with Duane Fisher/Savannah Cellar Savers to perform at the "Chil-E Fest" parade on

July 19,2003 at a cost of \$525.00.

UNANIMOUSLY APPROVED

RESOLUTION #164 RE: Establishment of Chili Fire Department Liaisons

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, the Chili Fire Department has expressed an interest in having a representative on both the Planning Board and Traffic & Safety Committee to further enhance the health, safety, and protection of Chili lives and property.

BE IT RESOLVED that liaison positions to the Planning Board and Traffic & Safety Committee for the Chili Fire Department be established, and,

BE IT FURTHER RESOLVED that the each liaison will be appointed by the Town Board annually at the organizational meeting upon recommendation from the Chili Fire Department, and serve at the pleasure of the Town Board. Said recommendations are to be received no later than March 14, 2003 for the initial appointments to be made on March 19, 2003 and by no later than December 15th of the year previous to the annual appointment, and,

BE IT FURTHER RESOLVED that the liaisons will serve the Planning Board and/or Traffic & Safety Committee without compensation from the Town and at the pleasure of the Town Board.

3 YES TO 1 NO (Councilman Powers voted no.)

**RESOLUTION #165 RE: Bike Ride for National Center for
Missing & Exploited Children**

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, the National Center for Missing & Exploited Children has once again asked for the Town's permission to have their May 30, 2003 one hundred mile bike ride come through the Town of Chili on Union Street from approximately 8:30 - 9:00 a.m. to spread the awareness about the plight of missing children and share abduction and exploitation prevention educational materials with children along with raising funds for their agency services. They have held this race for the past two years.

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the National Center for Missing & Exploited Children to have their bike ride go through the Town of Chili on May 30, 2003 provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance and provide a certificate of insurance naming the Town as an additional insured prior to the race.

BE IT FURTHER RESOLVED that the Town Clerk shall send notification of this resolution to the National Center for Missing & Exploited Children.

UNANIMOUSLY APPROVED

RESOLUTION #166 RE: Authorization of Map, Plan, & Report for Hillary Heights Drainage

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, pursuant to Article 12-C of the Town Law, the Town Board of the Town of Chili is considering construction of a drainage improvement in an area of the Town of Chili located northeast of the Hillary Heights Subdivision and immediately north of the CSX (West Shore Railroad) tracks to benefit the properties located in the Hillary Heights Subdivision, said area to be known as the Chili Drainage Improvement Benefit Area #1 (Hillary Heights Subdivision); and,

WHEREAS, as part of the approval process for said project, the Town must comply with the provisions of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, this Board, pursuant to Section 209-q of Town Law, may appropriate a specific amount to pay the cost of preparing a general map, plan and report for providing drainage improvements in any portion of the Town of Chili that is not located within a village;

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$7,500 is hereby appropriated to pay the cost of preparing a general map, plan and report for construction of a drainage improvement in the Town of Chili northeast of the Hillary Heights Subdivision and immediately north of the CSX railroad tracks to benefit the Hillary Heights Subdivision. It is anticipated that the drainage improvement shall consist of a retention and detention facility and all necessary appurtenances and equipment. The map, plan and report shall include cost estimates for the project.

BE IT FURTHER RESOLVED, that Lu Engineers, the Town Engineer, is hereby authorized and directed to supervise the preparation of such map, plan and report within the limits of the amount appropriated therefore, and upon the completion thereof, file the same in the Office of the Town Clerk of the Town of Chili, and,

BE IT FURTHER RESOLVED, that said general map, plan and report shall conform with the requirements of Section 209-c of the Town Law entitled, "Map, Plans and Reports," and,

BE IT FURTHER RESOLVED, that the Board hereby determines that the proposed drainage improvement project is a Type I action under the provisions of the State Environmental Quality Review Act ("SEQRA") and hereby directs that the Town Engineer prepare a Full Environmental Assessment Form (EAF) for said project. Upon completion of Part 1 of the EAF, the Town Clerk shall cause a copy of Part 1 of the EAF to be mailed to all involved agencies with such notices as required by law and shall also notify the other involved agencies that the

Town Board seeks Lead Agency status for the SEQRA review of this project.

UNANIMOUSLY APPROVED

RESOLUTION #167 RE: Authorization of Special Counsel for Hillary Heights Drainage

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED, that Marcia A. Havens, Esq., shall be retained by the Town of Chili as Special Counsel relating to the formation of a drainage improvement benefit area and the construction of a drainage improvement located within the Town of Chili in an area northeast of the Hillary Heights Subdivision and immediately north of the CSX (West Shore Railroad) tracks to benefit the Hillary Heights Subdivision in accordance with the proposed Retainer Agreement dated March 5, 2003. The rate of compensation set forth in said Retainer Agreement is \$125.00 per hour. In the event that a capital project is approved by the Town Board relating to the formation of a drainage improvement area located with the Town of Chili, said expenses shall be reimbursed from the future project fund for legal fees paid hereunder to the extent permitted by law; and

BE IT FURTHER RESOLVED that the Supervisor of the Town of Chili is hereby authorized to execute and deliver said proposed Retainer Agreement.

UNANIMOUSLY APPROVED

RESOLUTION #168 RE: Contract for Deferred Compensation Plan

Offered by: Councilwoman Sperr

Seconded by: Supervisor Hendershott

WHEREAS, on August 21, 2002 the Town Board, by resolution, authorized the establishment of a Deferred Compensation Committee to review deferred compensation plan proposals, and,

WHEREAS, five proposals were received from Mutual of America, ING, The Legend Group, Hartford, and NYS Deferred Compensation Plan and reviewed by the committee, and,

WHEREAS, the Deferred Compensation Committee has made a recommendation to enter into a contract with The Legend Group for the Town of Chili Deferred Compensation Plan.

NOW, THEREFORE, BE IT RESOLVED to authorize the Supervisor to proceed with establishing a deferred compensation plan with The Legend Group in accordance with the Rules and Regulations of the NYS Deferred Compensation Board and proceed with the transfer of plan assets from the current town deferred compensation plan, and,

BE IT FURTHER RESOLVED any plan documents shall be subject to the approval of the Counsel for the Town.

UNANIMOUSLY APPROVED

RESOLUTION #169 RE: Release Portion of Drainage Easement

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, Perna Homes, Inc.(The "Applicants") are owners of property known as Lot 808 Chestnut Subdivision, Town of Chili, New York; and

WHEREAS, in the furtherance of Planning Board approval of the final plot of Section 8 of the Chestnut Subdivision, the Applicants' have offered the Town a new Drainage Easement to replace a Drainage Easement previously granted; and

WHEREAS, the Applicants have applied to the Town Board to correct the legal description for a release of drainage easement previously approved by the Town Board, which easement known and described as Permanent Drainage Easement No. 1, is located upon the Applicants' property at said Chestnut Subdivision, Section 8;

NOW, THEREFORE, BE IT RESOLVED, subject to a permissive referendum, that upon approval of the Commissioner of Public Works, the Director of Planning, Zoning and Development and the Counsel for the Town Board of the Town of Chili, the Town of Chili shall release to the above named Applicant that portion of the Town's storm sewer/drainage easement located at Chestnut Subdivision, Section 8, Town of Chili, New York. The portion of easement to be released is described in Schedule "A: attached hereto and made a part hereof and as shown on a map of the property made by Robert J. Avery, Surveyor, dated December 20, 2002 and all that portion of Drainage Easement #1 as set forth in Drainage Easement to the Town of Chili recorded in Monroe County Clerk's Office in Liber 305 of Maps, page 96; and

BE IT FURTHER RESOLVED the Supervisor of the Town of Chili, is hereby authorized and directed to execute, on behalf of the Town of Chili, the release of easement attached hereto relating to the Applicants' property after the release of easement has been approved by the Commissioner of Public Works, the Director of Planning, Zoning and Development and the Counsel for the Town Board of the Town of Chili; and

BE IT FURTHER RESOLVED that within (10) days hereof the Town Clerk shall publish and post a notice of the adoption of this resolution and an abstract thereof, as required by law.

UNANIMOUSLY APPROVED

SCHEDULE "A"

All that tract or parcel of land situate in the Town of Chili, County of Monroe, State of New York, being part of Town Lot 91 of John Smith's Allotment in Township 2, Range 1, Mill Seat Tract of the Phelps and Gorham Purchase, and more particularly described as follows:

Commencing at a point in the southerly right of way line of Foxe Commons (60.00" feet wide right of way) at the northeasterly corner of existing Drainage Easement NO. 1 of Chestnut Subdivision, Phase 8, as shown on a map recorded in the Monroe County Clerk's Office at Liber 305 of Maps, Page 96, thence; South 35 - 36' - 39" East, and along the easterly boundary line of said Drainage Easement No. 1, a distance of 33.5' feet to the outside face of an existing northerly foundation wall situate on Lot R-808C of a Resubdivision of Lot 808 of Chestnut Subdivision, Phase 8, as shown on a map prepared by Avery Engineering & Land Surveying Associates, P.C., dated December 20, 2002, Project No. 86-0308-808, said point being the True Point of the Beginning of the hereinafter described parcel of land, thence;

South 35 - 36' - 39" East, and along the easterly boundary line of said Drainage Easement No. 1, a distance of 74.0' feet, thence;

South 54 - 23' - 21" West, on a line 4.0' feet, thence;

North 35 - 36' - 39" West, on a line 4.0' feet westerly, as measured at right angles and parallel to Course No. 1, a distance of 74.0' feet, thence;

North 54 - 23' - 21" East, on the westerly extension of the outside face of the northerly wall of said existing foundation and along the outside face of the northerly wall of said existing foundation, a distance of 4.0' feet to the Point of Beginning.

Parcel contains 296 square feet of 0.0007 acres.

RESOLUTION #170 RE: Purchases from Senior Center Fundraising Revenues

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, Tricia Schirmer, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, request the purchase of 110 t-shirts, 10 card tables, rhythm instruments, 2 benches, and kitchenware for the Senior Center

NOW, THEREFORE, BE IT RESOLVED that the Director of Programs for the Aging is authorized to make these purchases at a cost not to exceed \$2800 to be paid from Senior Center fundraising revenues.

UNANIMOUSLY APPROVED

RESOLUTION #171 RE: Accept Organ Donation for Senior Center

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, the Senior Center has conditionally accepted a generous donation of an organ to further its programming; and

WHEREAS, the organ currently in use by the Center has been rendered obsolete;

NOW, THEREFORE, BE IT RESOLVED that the Director of Programs for the Aging is authorized to accept the donated organ and dispose of the now obsolete organ as appropriate, including negotiating for the cost of its removal from the premises.

UNANIMOUSLY APPROVED

RESOLUTION #172 RE: Umpire Services

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, the Director of Recreation issued a request for proposals for professional services from companies in the Rochester area, and

WHEREAS, two proposals for professional services to provide umpire service were received from the following providers:

Rochester District Umpires Association
Sports Officials of the Rochester Area

NOW, THEREFORE, BE IT RESOLVED, per recommendation of the Director of Recreation, that the Supervisor be authorized to execute a contract for professional services with Rochester District Umpires Association to provide umpire services at a rate of \$22 for doubleheaders and \$25 for single games.

UNANIMOUSLY APPROVED

**RESOLUTION #173 RE: Active Military Duty in Connection with the Possible
Military Actions**

Offered by: Councilman Slattery

Seconded by: Councilman Powers

WHEREAS, Town of Chili employees may be called to active duty in connection with possible wars and military hostilities, and,

WHEREAS, the Town of Chili supports these employees and their families during the military call-up to active duty;

NOW, THEREFORE, BE IT RESOLVED, that Section 19 (Military Duty) of the Employee Personnel Policy be amended so that the following employee benefits be continued for affected Town of Chili employees called to active duty in connection with possible wars and military

hostilities:

- 1 Employee shall have the option to use accumulated vacation and compensatory time leave credits after paid military leave is exhausted.
- 2 After paid military leave is exhausted, and the employee is not using accumulated vacation or compensatory time, supplemental pay is authorized if military pay is lower than Town of Chili pay (which will equal the difference between regular base Town pay and military pay, including food and housing allowance) for the duration of the military call-up. Employees receiving supplemental pay would not accrue leave credits while on this status.
- 3 The Town of Chili shall continue to provide medical and dental insurance benefits for dependent family members for the duration of the call-up, under the same terms if effect for active employees.

BE IT FURTHER RESOLVED, the employee benefits contemplated in this resolution are not permanent benefits and are offered only for military call-up to active duty relating to the possible war or military actions involving war hostilities, and,

BE IT FURTHER RESOLVED that the Supervisor is hereby authorized to execute any necessary agreement or memorandum of understanding with any employee union if needed.

UNANIMOUSLY APPROVED

RESOLUTION #174 RE: Penny's Law

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, numerous state agencies, including Governor Pataki, and many villages, towns and police departments, have supported Candy Brown's request to support Penny's Law so that juveniles committing adult crimes (murder etc.) can receive the same sentencing as adults.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Chili hereby declares that they are in support of Penny's Law; and

BE IT FURTHER RESOLVED that Supervisor Hendershott is hereby authorized to notify Candy Brown of this resolution so that the Town of Chili can be added to the list of agencies, officials and legislative bodies who fully support "Penny Law", which seeks to enable a juvenile convicted of second degree murder to be sentenced as an adult.

UNANIMOUSLY APPROVED

RESOLUTION #175 RE: Letter of Credit Release for Park Place Subdivision - Phase 2

Offered by: Councilwoman Sperr

Seconded by: Councilman Slattery

BE IT RESOLVED that per recommendation of the Town Engineer, \$113,935.95 be released from Letter of Credit #1101546173 with Canandaigua National Bank, leaving a balance of \$287,576.28 subject to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #176 RE: Phase 2 Stormwater Permit with NYSDEC

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED that Supervisor Hendershott is hereby authorized to sign a Notice of Intent with New York State Department of Environmental Conservation for the Phase 2 Stormwater Permit, which is to be implemented on March 15, 2003.

UNANIMOUSLY APPROVED

RESOLUTION #177 RE: Authorize American Legion to Use Stryker Road Property

Offered by: Councilman Powers

Seconded by: Councilwoman Sperr

BE IT RESOLVED that the Town Board hereby authorizes The American Legion, Chili Post 1830 to use the Town's property located on Stryker Road for parking in 2003 during the following dates provided an insurance certificate is provided listing the Town as additional insured:

April 26th;

June 7th and 28th;

August 2nd, 3rd and 23rd;

May 17th and 26th;

July 12th;

September 6th, 7th, 13th, 14th, and 27th.

UNANIMOUSLY APPROVED

RESOLUTION #178 RE: Addition to Chili Fire Department, Inc. Active List

Offered by: Councilman Slattery

Seconded by: Councilman Powers

BE IT RESOLVED that the following individuals be added to the Chili Fire Department, Inc. Active List effective February 10, 2003:

Deborah Curran

Joe Neri

Daniel Waltermiere

UNANIMOUSLY APPROVED

RESOLUTION #179 RE: Removal from Chili Fire Department, Inc. Active List

Offered by: Councilman Powers

Seconded by: Councilman Slattery

BE IT RESOLVED that the following individuals be removed from the Chili Fire Department, Inc. Active List effective January 13, 2003: Michael Dailey and Mike DaVia; and

BE IT FURTHER RESOLVED that the following individuals be removed from the Chili Fire Department, Inc. Active List effective February 10, 2003: Gordon Dowd, Donell Stevens and Dennis Tyson.

UNANIMOUSLY APPROVED

RESOLUTION #180 RE: Stage, Sound & Lights for "Chil-E Fest"

Offered by: Councilman Slattery

Seconded by: Councilman Powers

WHEREAS, the Town intends to provide live entertainment during the 2003 "Chil-E Fest" to the benefit of residents of the Town, and,

WHEREAS, Eric Bacon, Director of Recreation, has explored various means in which to provide a stage, sound, and lights, and,

WHEREAS, two proposals to provide a stage, sound, and lights were received from the following providers:

SCS Pro Audio	\$4,500
S.O.L. Productions	\$5,625

NOW, THEREFORE, BE IT RESOLVED that Supervisor Hendershott is hereby authorized to sign a contract with SCS Pro Audio, to provide stage, sound, and lights from July 18 - July 20, 2003 at the 2003 "Chil-E Fest" for \$4,500.

UNANIMOUSLY APPROVED

RESOLUTION #181 RE: February 19, 2003 Abstract

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED to note for the record vouchers 6466-6783 were paid, as approved by Town

CHILI TOWN BOARD MEETING - March 5, 2003

Council, from the following funds:

General Fund	\$ 98,117.61
Highway Fund	\$ 85,767.86
H32 Union Station Park	\$ 3,520.00
H35 Chili Avenue Widening Project D017381	\$ 260.00
H36 Chili Sewer Improvement Benefit #1	\$ 2,048.00
H38 Annual 2002-3 Reassessment Program	\$ 4,884.00
Consolidated Drainage District	\$ 68.16
Chili Fire Protection District	\$ 17,112.00
Special Light District	<u>\$ 9,479.19</u>
Total for Abstract	\$221,256.82

3 YES TO 1 NO (Councilman Powers voted no.)

RESOLUTION #182 RE: Payment of Claims for March 5, 2003

Offered by: Councilwoman Sperr

Seconded by: Councilman Slattery

BE IT RESOLVED to pay vouchers 938 - 1098 totaling \$1,136,342.86 from the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk:

GENERAL FUND	\$ 50,982.78
HIGHWAY FUND	34,930.88
CONSOLIDATED DRAINAGE	711.91
H-35 CHILI AVENUE DO17381	1,290.00
H-36 CHILI SEWER BENEFIT #1	1,730.00
CHILI FIRE PROTECTION DISTRICT	791,518.00
SENIOR CENTER FUNDRAISER	585.00
CLIFTON AMBULANCE DISTRICT	14,524.85
CHILI AMBULANCE DISTRICT	237,727.11
SCOTTSDALE AMBULANCE DISTRICT	2,207.18
SPECIAL LIGHT DISTRICTS	<u>135.15</u>
TOTAL ABSTRACT	\$1,136,342.86

3 YES TO 1 NO (Councilman Powers voted no.)

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on March 5, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:05 p.m. actual time) to consider extension of the Consolidated Drainage District to serve the Zukatis Town Line Subdivision located at 12, 14, and 16 Chili Riga Town Line Road.

CHILI TOWN BOARD MEETING - March 5, 2003

Attendance as previously noted in the 3/5/03 Chili Town Board meeting minutes.

No one was present to represent the Zukatis Town Line Subdivision.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 6:06 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on March 5, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:06 p.m. actual time) to consider extension of the Consolidated Drainage District to serve the Corio property located at 816 Ballantyne Road.

Attendance as previously noted in the 3/5/03 Chili Town Board meeting minutes.

No one was present to represent 816 Ballantyne Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Jerry Brixner - 14 Hartom Road

He asked where 816 Ballantyne Road is. Supervisor Hendershott stated it is between Brook and Reed, in that area. Mr. Brixner asked would it be on the side toward Morgan Road. Supervisor Hendershott stated he believes it is on the west side of Ballantyne Road.

The Public Hearing was closed at 6:07 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on March 5, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:07 p.m. actual time) to consider extension of the Consolidated Drainage District to serve the Rosati properties located at 93 and 97 Ballantyne Road.

Attendance as previously noted in the 3/5/03 Chili Town Board meeting minutes.

Mr. Rosati was present to represent the properties at 93 and 97 Ballantyne Road. Mr. Rosati stated he was just wondering how the drainage district operates. Supervisor Hendershott stated the Consolidated Drainage District is made up of properties in the Town, not every one, but properties that come into the drainage district. He stated should there be any drainage issues on a property, not at the roadside but on the property itself, the Town would have the ability to come in there and do some necessary work if that property were in a drainage district.

Mr. Rosati asked would he get charged extra taxes. Supervisor Hendershott stated he will. Mr. Rosati stated his concerns involve the area. He stated where his property gets affected is when there is flooding that affects the whole area.

Richard Stowe stated as a condition of any Planning Board approval to modify lot lines, which it sounds like Mr. Rosati made an application for combining lots, as a matter of standard practice, the Building Department and Planning Board require any properties, when they're going through that approval process that are not already entered into the Consolidated Drainage District to join the Consolidated Drainage District. He stated he is not sure whether there will be any improvements done or not done as a result.

Mr. Rosati stated that is his point. He stated he will get charged for something where nothing can be done. He stated his concerns are concerns that deal with the entire development in the Ballantyne Scottsville/Road area, that whole development. He stated Black Creek backs up, floods back around and floods his property. He stated his concern is if the Town is going to charge him, and they are going to do anything about his concerns, that means others are benefiting from something they're not being charged for but the Town can charge him.

Richard Stowe stated there are other properties in that same area that have also been required to join the Town wide drainage district, but it may not be all of those properties that are currently in the district. Mr. Rosati stated unless something like this happens.

Richard Stowe stated that is very possible. Mr. Rosati stated his primary drainage concern involves his neighbor's property. Richard Stowe stated perhaps. He stated, though, that is not what they are doing here. He stated if, in fact, there is a drainage concern like that, they might want to take that to the Drainage Committee. He stated the Town has a drainage committee that meets on a monthly basis that may be able to answer the question certainly better than he can, perhaps better than anyone at this moment in time can.

Councilman Slattery stated the meetings are the first Tuesday of every month at the Chili Highway Garage at 7 o'clock. Supervisor Hendershott asked Mr. Rosati does he live at one of the two parcels. Mr. Rosati stated 97 is his house. He stated 93 is the lot he bought.

Jerry Brixner - 14 Hartom Road

Mr. Brixner asked what is the charge per acre to be a member of the drainage district. Supervisor Hendershott stated he did not think it is per acre. He asked what is the drainage rate. Ms. O'Meara stated they try to keep it at 15 cents per thousand. Supervisor Hendershott clarified if someone's house is assessed at \$50,000, it would be 50 times 15 cents.

The Public Hearing was closed at 6:12 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on March 5, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:12 p.m. actual time) to consider

rezoning of 4215 Buffalo Road from R-1-15 to G.B. zone.

Councilman Powers stated as much as he would like to take part in this rezoning, he more or less has a vested interest in this parcel and where it is, so he is going to have to abstain on it and not vote on it.

Richard Gilmore and Chris Schultz were present for the rezoning of 4215 Buffalo Road hearing.

Mr. Schultz passed out to the Board members and audience extra copies of their plan.

Mr. Schultz stated the address of the site is 4215 Buffalo Road. He stated the easiest way of getting a handle of the property, it is just west of the Sheriff's station, just down west of Westside Drive.

Mr. Schultz stated currently the site is zoned R-1-15. He stated the proposed zoning for the parcel is General Business.

Mr. Schultz stated back at the December 10th Planning Board, this application came before the Board to have a recommendation made to the Town Board for rezoning. He stated at the time they looked at basically the master plan as one of the major components of whether this rezoning fits in with the master plan for this area.

Mr. Schultz stated currently there is an existing residence on the property. He stated the house is in a state of partial disrepair. He stated the probability that that site would be maintained and improved as a residence is not very high. He stated several thousands of dollars would need to be brought in to bring it up to current conditions of the surrounding neighborhood. He stated so certainly to try to convert the house would not also be realistic.

Mr. Schultz stated the comments he just made were in response to basically the existing conditions out there. He stated there is an existing residence on the site. He stated the house would be in need of some significant renovation to bring it up to what is comparable in the neighborhood as far as the houses and the businesses. He stated there hasn't been a lot of work done on the house for many years.

Mr. Schultz stated there were some questions at the Planning Board level as to if this property was rezoned, would the house be renovated or added onto to try to fit a business in the house, but again, because of the placement of the house and condition of the house, that would not be feasible. He stated so future use of the parcel would entail the removal of the house and then construction of the new improvements.

Mr. Schultz stated the property has been listed for a period of time. He stated Mr. Gilmore has owned the property for approximately two years, about year and a half to two years. He stated he has had a few inquiries. He stated the inquiries have all centered on a use that would be compatible with General Business. He stated none of the inquiries have a desire to use it as it currently is zoned as a residential use.

Mr. Schultz stated basically that sums up what they are looking to do with this parcel. He stated they are coming in with a recommendation of the Planning Board. He stated it does fit in with the master plan for the site.

Councilman Slattery asked what is the size of the property. Mr. Schultz stated approximately 228 feet by 259, 1.4 acres.

Supervisor Hendershott stated the Town's Director of Planning and Zoning Development was present. He stated this has gone before the Planning Board and the Planning Board held a public hearing on this and had put forth a recommendation to move forward with this.

Daniel Kress stated that is correct. He stated in December, this was considered by the Planning Board. He stated the Planning Board did vote to recommend to the Town Board that this property be rezoned to General Business. He stated part of the basis for that decision were the comments in the master plan.

Daniel Kress stated he would read a couple of brief sentences that are excerpts. He stated one notes that "The Plan Update Committee feels more property should be designated for a variety of commercial development throughout the northern portion of the Town, thereby providing a wider choice for potential commercial entities to meet the community's needs. "

Daniel Kress stated more specifically to this particular area, there is also a sentence in the master plan that indicates, "In addition, on the south side of Buffalo Road, extending east from Union Street to Westside Drive, except for the PID zone, it is recommended that this frontage be rezoned to General Business. "

Daniel Kress stated so the Board concluded that this request was consistent with the intentions in the master plan.

Supervisor Hendershott clarified if this gets rezoned and someone comes forth with a proposal, it still has to go through all of the Planning Board process, including public hearings, notifying people there. Daniel Kress stated that was correct. He stated they are talking a full site plan review process. Supervisor Hendershott stated so in addition to this, should something come forward from this, it still has to go through all of those steps. Daniel Kress stated that was correct.

Supervisor Hendershott stated right now they have got a house, a vacant house that is on there. He stated he was understanding their intention is to remove the house and build something else there. Mr. Schultz stated that is correct.

Supervisor Hendershott stated they were just saying they would have to go through the planning process, and they are not here to dissect the planning application, but he asked do they have some idea what it is they might be interested in putting there. Mr. Schultz stated currently, there are no definite plans. He stated there are a number of uses that would work well in the neighborhood, but unfortunately, Mr. Gilmore has not obtained any serious interest at this point.

Mr. Gilmore stated the couple people he has spoken with, they're really not interested in pursuing it further because of the current residential zoning and not wanting to go through that process.

Supervisor Hendershott stated as they turn in on Foxtail, along that eastern edge of the property is a row of trees. He stated he was assuming that is on that property, not in the right-of-way. Mr. Gilmore stated he thought there are a couple rows of trees, and one is on the Foxtail property. He stated he thought some of them are on this property.

Supervisor Hendershott asked for the ones on Mr. Gilmore's property, should they build something in there, what is the intent as far as those trees. Mr. Gilmore stated they would try to save them if they could, and even if they had to move them a little bit, that would be something that they could do also, if they happen to be a couple feet over one way. He stated they could pick them up and move them. He stated they can maintain a visual buffer there.

Supervisor Hendershott stated there is also somewhat of a barrier, for lack of a better word, a natural buffer along the southern part of the property, between the homes on Mayflower. Supervisor Hendershott asked what is Mr. Gilmore's intent to do with that. Mr. Gilmore stated there is no reason they couldn't leave that barrier there, too, absolutely.

Councilman Powers stated the trees on each side of Foxtail are part of Mayflower. Supervisor Hendershott stated his concern is that they stay there. Supervisor Hendershott stated he was not sure who owns them.

Councilwoman Sperr asked what type of businesses have expressed interest in that property. Mr. Gilmore stated they had an ice cream shop and pizza shop. He stated they do realize there are a number of those in the neighborhood, and they would definitely be looking for something that is not serving the neighborhood at this point. Councilwoman Sperr stated she was glad to hear that. She stated those two choices don't thrill her.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Beverly Griebel, Chair of the Zoning Board of Appeals; Mayflower Village Homeowners' Association Board of Directors

Ms. Griebel stated they had a meeting two nights ago, not specifically for this. She stated the Board of Directors is opposed to this rezoning because there was no information at the Planning Board hearing in December of what will be developed on the property. She stated she thought the Board is fearful that there is going to be some kind of development with some garish property which would detract from the rest of the homes that are in Mayflower.

Ms. Griebel stated currently they have 106 units. She stated when it is built out, there will be 160 units. She stated there are plans right now to move forward with more homes she thought as soon as the weather breaks. She stated there will be homes in the \$157,000 to \$196,000 range. Ms. Griebel stated they would not want anything like a Pizza Hut with blinking neon lights or something like that out there.

Ms. Griebel stated another concern in that area is traffic. She stated with 106 units now they have the traffic they generate. She stated there are 80 children in the adjacent day care which is in that strip building along Buffalo Road. She stated that has 65 families. She stated so there are 65 cars in and out of there every day.

Ms. Griebel stated the Sheriff's Office has 30 Deputy Sheriff official cars plus their own cars that drive in and out, so there is a bit of traffic there. She stated sometimes they have to wait at that light to pull out, particularly if they want to turn left. She stated sometimes they give up and make a right, going around the block. She stated so those are the concerns from the Board of Directors. She stated she thought there are other homeowners that also have comments, too.

Mr. Higgins, 9 Mayflower Village

Mr. Higgins stated traffic is a big concern because they have the Sheriff's Department, the day care, school buses going down in there, and they have a heck of time trying to get out of that street sometime. He stated and with more houses being built, it will be harder to get out there with the heavy traffic. He stated and if there is going to be a commercial property there, that will bog down the cars coming out of that. He stated it will be even harder. He stated there will be more accidents over there. He stated he votes down the commercial property.

Paul Dobelstein, 32 Parkway Drive

Mr. Dobelstein stated he would like to have everybody consider the cessation of what seems to be a tendency in Chili. He stated he knows some will disagree with this, but some of them have seen it. He stated they start out by buying a pig in a poke. He stated he has heard plenty of arguments about proposed rezoning, saying something like this, "Oh, they would never do that. They would never do this. They would never do that." Mr. Dobelstein stated and all of a sudden, somewhere down the road, by the time the project is a building or built out, the rules have changed.

Mr. Dobelstein stated he thought specifically of the issue that was brought up about the location of Jitters Cafe on Buffalo Road. He stated those people are perfectly wonderful people. He stated they provide a nice service. He stated but they were warned repeatedly by the Planning Board, "There isn't much parking for you, for your operation there, and the parking that is there, is really inadequate, because there is quite a slope back there behind your building." "Oh, that is all right," they said. "We don't need that much parking. " He stated they are pretty much a stop-and-go operation.

Mr. Dobelstein stated months later, from Parkway Drive, he was looking across the park to see truckload after truckload of dirt going in, covering up the springs that let the water from underground springs escape out of the park, out of Hubbard Park. He stated it seems that whenever they do buy that pig in a poke, something always degenerates down the road. He stated somehow, if they let them get away with one thing, trusting in the developer's judgment, they seem to always be in a position of having to use extra effort to stop the next encroachment upon the attempt.

Mr. Dobelstein stated he knows Mr. Hendershott claims to be working very hard on getting the

State's money to improve the condition of the Union Street/Buffalo Road intersection, and he applauds that. He asked why would they want to go long into another potential traffic problem.

Mr. Dobelstein stated there can be only one reason why people would want to rezone an area that is in any way a Residential area into General Business, and that is because they're going to put something in there that demands a lot of drive-by traffic. He stated with the sweep of college campus property and the relatively calm ambiance of the Sheriff's substation there, he would think that another pizza parlor or candy shop or whatever is springing up down there would probably be a detriment in that area.

Mr. Dobelstein stated he would advise the Board to look into this very carefully before doing such a dangerous thing as this spot rezoning that they see applied for all of the time in Chili. He stated it took long enough to get a zoning plan. He stated as a matter of fact, they were granting zoning variances with the so-called zoning overlay districts before they even had a cohesive zoning plan. He stated he would hate to see the planning that the Town seems to be trying to do for its rapid propulsion into the 21st Century, he would hate to see that disappear by setting a standard that is not up to the standard of master planning.

Gene Valco (phonetic)

Mr. Valco stated he is representing his in-laws, Nick and Tina Arbore of 169 on the site plan, or 2 Foxtail, which is the property directly adjacent to Mr. Gilmore's property. Mr. Valco stated he just wanted to voice similar concerns he has heard from the other people, from the Mayflower condominium area.

Mr. Valco stated he was present for his in-laws because they're both handicapped and have trouble getting in and out.

Mr. Valco stated there is an underground spring that runs from the north. He stated he was not exactly sure where it comes from, but that was causing some serious structural activity there to their condo. He stated the original developer had to come back and dig it all up and make some drainage swales and all kinds of stuff. He stated their sump pump used to run like all of the time, and now it just drains deeper.

Mr. Valco stated there are some things to consider there. He stated putting up some type of a commercial business there that could potentially -- not that the view there is something to brag home about now, looking north from Buffalo Road, but as opposed to looking at the back of Pizza Hut. He stated they worry about the health issues and other stuff that goes along with that and any possible drainage issues. He stated it's not a good thing.

Steve Ginovsky, 19 Hubbard Drive

Mr. Ginovsky stated with this piece of property changing over to a General Business commercial, the answer is no. He stated, if anything, the people would probably not object to it if it were a doctor's office, where they have a set business, around 5, 6 o'clock it ceases, not having something that runs until 9, 10 o'clock at night as a pizza shop or whatever. He stated he would vote no for it.

Fred Lewalter, 4 Daisy Lane

He stated all of the questions he had have been answered, but he thought the intersection of Westside Drive and Buffalo Road is hazardous as it is now because of the diagonal. He stated it is not a square intersection. He stated it is diagonal.

Supervisor Hendershott stated that is really not on the subject, but since it was brought up, and it is close by, he would say yes, they are aware of that intersection. He stated it is a problem and has been a problem actually probably since it was in existence and there was more than one car that went through it.

Supervisor Hendershott stated they did have a discussion with the State D.O.T. last spring about trying to get this on a schedule so that there can be some work done and straighten that intersection out. He stated there are a number of problems with it, but they have started, at least to have it on their list of things to look at. He stated he wished it was being done tomorrow, but it is at least on the list, so they are happy about that.

Roger Kirkpatrick, 7 Daisy Lane, Mayflower Village

Mr. Kirkpatrick stated everybody said about the same thing he was going to say, except for one thing. He stated the house that is there now is not a bad looking house. He stated it is a nice entrance to the village. He stated to destroy that and put up a Pizza Hut and ice cream parlor, with the college kids, nothing against them, but they will make tracks for that place and it will double, triple the cars they have around there. He stated he would vote against it entirely.

Supervisor Hendershott stated all of the things that everyone is speaking about as far as the uses are uses that certainly could come in underneath this zoning change, as well as professional offices. He stated that is also included in this. He stated there is no application before this Board tonight for a pizza parlor or ice cream parlor or professional office, for that matter. He stated that is something that would have to go to the Planning Board. He stated they would have the ability to either approve or disapprove the actual thing.

Supervisor Hendershott stated what this rezoning does is it allows for the different types of zoning. He stated he just wanted to make that clear. He stated no one has come in with an application for a Pizza Hut tonight or pizza shop or ice cream.

Richard Stowe stated this went to the Planning Board for recommendation on the rezoning only. He stated there weren't any site plans or concept sketches or sketch approval drawings submitted to the Planning Board with this application. Daniel Kress stated that was correct.

Richard Stowe stated there haven't been any other plans submitted by the developer to any other Board of the Town regarding the proposed use of this particular site. Daniel Kress stated nothing further that he is aware of.

Richard Stowe asked with regard to SEQR, at the Planning Board level, did the Planning Board designate themselves lead agency or was there a finding made. Daniel Kress stated the Planning Board did not designate itself as lead agency since at this time, the only action to be taken is a rezoning. Richard Stowe asked if they made a recommendation on the type of action either.

Daniel Kress stated no, they did not.

Richard Stowe stated he did not know what the Board's intention is here, but with the information they get at the hearing, if it is the Board's intention to take action, they should fold that into what they do tonight. Supervisor Hendershott stated they will continue with the public hearing, but with the amount of comments they have received, he would recommend that they do not take action on this tonight until they are able to digest what they have heard.

Richard Stowe stated then he might recommend the Board make a determination of at least its lead agency status tonight. Councilman Faso stated this would be an unlisted action.

Bob Shannon, Lilly Pond

Mr. Shannon stated Roberts Wesleyan was given approval for them to put their maintenance shack in there, use a building for maintenance. He stated shortly thereafter they built a greenhouse. He stated it was said that if something were to be built, it would go through the Planning Board and there would be a public meeting. He stated that sounds good. He stated he would just encourage the Board to make sure that happens if they would indeed approve this, because it seems that it is human nature that once something is approved, they stretch it as far as they can, and he thought that is what Roberts Wesleyan is doing. He stated he sees no reason why that wouldn't happen with this property, also.

Mr. Shannon stated the idea it is going to be 9 to 5, well, it is not 9 to 5, because 4 o'clock in the morning the plows come in to plow and everything else.

Jerry Brixner - 14 Hartom Road

Mr. Brixner stated obviously Hartom Road is not near the site. He stated after listening, he finds that approximately eight individuals have spoken vehemently in opposition to this proposal, plus the homeowners group that Mrs. Griebel presented. He stated on that basis, it is overwhelmingly in his mind that the citizens of the community in that area do not wish this rezoning. He stated he would encourage the Chili Town Board not to accept the rezoning.

Jon Bower, 23 Spring Flower, Mayflower Village

Mr. Bower stated he arrived a little late. He asked why is there a request to rezone to commercial. Supervisor Hendershott stated right now it is zoned Residential. He stated the applicant gave a presentation in which they are saying that he has had it for sale. He stated it has been vacant. He stated it has not sold. He stated Mr. Gilmore is looking to do something different with it which would involve tearing down the structure that is there. He stated there is no application for a specific use or site plan at this point. Supervisor Hendershott stated, however, the Town's master plan does recommend that that parcel amongst some others get changed to more commercial type zoning. He stated Mr. Gilmore is asking the Town Board to do that.

Supervisor Hendershott stated as part of their process, Mr. Gilmore was first required to go to the Planning Board just to ask for the rezoning without a plan. He stated he has done that. He stated the Planning Board also held a public hearing. He stated they did make a recommendation to this Board to go ahead with that zoning change, and that is why they are holding the public

hearing tonight, to receive comments on that.

Dorothy Borgus, 31 Stuart Road

Ms. Borgus stated she lives obviously away from this, and as Mr. Brixner pointed out, she does not have a personal interest in this per se. She stated, however, she thought that everybody present may not be aware of the process that is followed here and may not be aware of the fact that although Mr. Hendershott says there are no definite plans for this piece of property being built out, at the moment, and that any future plan for building would have to come back to the Planning Board, he is right to that point. Ms. Borgus stated, however, the people should be aware that once the zoning is changed, anything that is allowable under their code for that piece of property would in all likelihood go there, and they will have lost their ground tonight if they don't hold it right now.

Charles Retting, 1032 Coldwater Road

He stated he certainly agrees with Ms. Griebel, first of all representing the Homeowners Association and also being on the Zoning Board. He stated her points were well made, in regard to traffic, type of business. He stated it is now a residential area. He stated there is a house there now, and they don't need "spot rezoning. "

Mr. Rettig stated even and unless there is a specific incomplete plan, and there is not, they do not have any SEQR as has been pointed out by the Town Attorney. He stated they have to have lead agency designated.

Mr. Rettig stated all the residents are protesting against this. He stated, as Mrs. Borgus stated, specifically, once they change this zoning, then they open Pandora's box. He stated now is the time to vote this down.

Ms. Griebel stated she had a letter dated January 16th from Richard Brongo, Town Clerk, informing that "The Chili Planning Board at the December 10th meeting approved public hearing set by the Chili Town Board for March 5th. Town Board hereby declares itself lead agency for SEQR. This is your notification as affected agency." She stated it was sent to her as Chairwoman of the Zoning Board of Appeals. She stated the letter indicated if her Board had any objection to this, they were to respond within 30 days. She stated she didn't respond. She stated she did not know if anybody else responded. She stated if not, she guesses the Town Board is the lead agent for SEQR.

Ms. Griebel stated she would like to make another comment, that when this came up in the master plan, this area came up, there are some commercial businesses along that side of Buffalo Road. She stated and the thinking was that it could be appropriate in there, because the businesses would be limited in size due to the limited depth of the lots along that area. She stated for example, this particular lot would require an 80 foot setback from the road, because it is on Buffalo Road, 40 foot abutting a street, Foxtail, and another 40 foot in the back. She stated that leaves a small area internally that is there. She stated if there were some type of commercial activity that could take place there, in that limited area, without impeding on any of the setbacks, then that might be acceptable. Ms. Griebel stated but that would, of course, have to have a traffic study and all of that. Ms. Griebel stated a doctor's office is not a good choice, because

there is traffic load. She stated an attorney's office or real estate is something that doesn't generate a lot of traffic. She stated a doctor's office is usually in another category. She stated that is really up in the traffic level.

Ms. Griebel stated so the thinking of the master plan was that there would be a limit as to what could go onto those properties. She stated there is a triple property across from the ball fields where two or three houses came down years back. She stated there is a long narrow property. She stated that might be suitable for a larger project, but still they would have the setback limitations because it backs up to a residential area.

Ms. Griebel stated so that was the thinking of the Master Plan Committee at the time, that it is going to be limited by the size of the lot and by the buffers and the barriers that they would have. She stated if those are all looked at, and abided by, then that shouldn't be a problem, but they don't know that that is going to happen. She stated they don't know what is going in there. She stated because they don't have any clue what is going in there, she would recommend that they vote no on it.

Councilman Slattery asked Ms. Griebel if she was part of the Master Plan Committee that looked at this. Ms. Griebel stated she was. Councilman Slattery clarified Ms. Griebel voted for this property to be changed. Ms. Griebel stated for properties along there, because many of the properties in that area are already of a commercial nature. Councilman Slattery stated but she voted to have that be changed. Ms. Griebel stated but the limitation would be because of the constraints of the setbacks that they would have to have.

Councilman Slattery stated a question in regard to the zoning of the property was brought up, to the east and to the west. He asked what is the zoning of that property, at this time. Ms. Griebel stated to the west she thought there is a business and then Roberts Wesleyan. Councilman Slattery asked if it is Neighborhood Business to the east and the west. Supervisor Hendershott stated maybe.

Daniel Kress stated he did not have a zoning map present with him, but he recalls it as Neighborhood Business on both sides. Ms. Griebel stated the Sheriff's station is in the PRD.

Mr. Shannon asked how long has Mr. Gilmore owned the property. Supervisor Hendershott stated he thought Mr. Gilmore said two years. Mr. Shannon stated that was a discussion, how badly the house has gone down in two years.

Mr. Higgins stated he would just like to apologize for the rest of the residents in Mayflower Village for not showing up tonight. He stated it is an adult community and there are a lot of adults that have ill health and some of them are just too lazy to get off the couch to come to these meetings. He stated if they did, he was sure there would be a lot more votes voting no.

Mr. Rettig stated just one additional comment to reinforce that Mr. Slattery was looking at the master plan. He stated the point is, that this is an R-1 zone. He stated it should actually stay that. He stated there is the nature of the surrounding area at this time to consider.

Irene Brixner, 14 Hartom Road

Ms. Brixner asked how many families are there in the Mayflower development. Ms. Griebel stated 106 units. Ms. Brixner stated she believes that with all those families, with all of the 65 families that they mentioned with children in those places, close by that area, that already being such a busy traffic place and along with the Zoning Board Chairwoman making the suggestions she is making because of the constraints, by golly, she cannot understand why the Town Board doesn't vote tonight not to rezone it. She stated that was her opinion.

Beverly Neder, 82 Attridge Road

Ms. Neder asked what is the designated zoning as a buffer zone between residential and commercial. Supervisor Hendershott stated he did not think there is such a designation.

Councilman Slattery stated he had a couple things. He stated first off, children cannot live in that subdivision. Councilman Powers stated they can live in there. Councilman Slattery thanked Councilman Powers for clarifying that.

Councilman Slattery stated secondly, Mr. Gilmore has owned the property for two years, he said. He asked Mr. Gilmore when he bought the property, at that time, what were his intentions at that time. He asked were they to live in that home. Mr. Gilmore stated his intentions were to purchase it for investment. Councilman Slattery asked what the previous owner's intentions were. He asked was it on the market for a while before Mr. Gilmore purchased it. Mr. Gilmore stated it was. He stated it had been sold, and actually the lady only lived there a few years and she moved

someplace else because the place was too much to keep up for her. He stated if one looks at the outside, it is just falling apart. He stated it was too much for her to handle, she said.

Councilman Slattery asked Mr. Gilmore has he met with the Homeowners' Association, the people in the neighborhood regarding his intentions. Mr. Gilmore stated he has not. Councilman Slattery stated usually that helps when a developer is able to meet with the people. He stated he thought that would be a positive step.

Councilman Slattery stated in regards to spot rezoning, they have addressed that with the properties that are around it.

The Public Hearing was closed at 6:53 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on March 5, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:53 p.m. actual time) to consider Local Law #1 of 2003 amending Section 115-34 of the Code of the Town of Chili entitled "Sign Regulations".

Attendance as previously noted in the 3/5/03 Chili Town Board meeting minutes.

Supervisor Hendershott stated just as background to this, the Town Board had previously held a public hearing on this. Supervisor Hendershott stated they took the comments that they received that evening, made some changes, and because they made any changes, they have to come back and start over again with the public hearing. He stated so that is what they are here for tonight.

Councilman Powers stated in regards to their favorite subject, political signs, it just says political sign shall be 16 square feet. He stated it doesn't limit it, so they can put as many as they want. Supervisor Hendershott stated the question is that there is nothing in there as far as limiting the number of signs, and that is absolutely correct. He stated there is nothing in there that limits the number of signs on a property.

Jerry Brixner - 14 Hartom Road

Mr. Brixner asked for someone to brief him real quickly as to the length of time that is in this particular ordinance for political signs to be up. Supervisor Hendershott stated political signs, by this proposal, would be allowed to go up 48 days prior to Election Day and would be removed within seven days after Election Day.

Mr. Brixner stated it was his opinion that limiting the time of 40 to 48 days is not appropriate. He stated in his opinion, he thought a political sign is an expression of an individual, and as such, he thought that particular condition should be absolved to allow an individual to put up a political sign on his or her own property for as long as he or she wants to.

Beverly Neder - 82 Attridge Road

Ms. Neder stated if a temporary sign announcing a special public or institutional event sponsored by a religious or service community organization should not exceed 90 days prior to the event, why can't they have political signs up for 90 days prior to the election. She stated she does not see much difference, whether the Boy Scouts are having spaghetti supper or someone is voting for someone.

Ms. Neder asked also is there anything in the sign ordinance about billboards along the expressway. She stated she didn't find anything that prohibited them or mentioned them.

Richard Stowe stated he believes they are intended to be regulated as a sign just like all other signs. He stated are they specifically called out, no. He stated are they still subject to the dimensional requirements and the other requirements in this particular ordinance, he thought the answer is yes.

Ms. Neder stated she does not think they need to clutter up the expressway, that they are trying to beautify by planting flowers, with billboards. She stated she would like to see something in there that prohibits them along the expressway.

Ms. Neder asked about neon signs inside of commercial establishments. She asked where does this sign law stand on that. Supervisor Hendershott stated he believes that signs inside, interior signs, are not regulated by the sign law. Ms. Neder stated well, she thought they strongly need something that is going to regulate neon signs inside a structure. She stated they have one instance in Town that is a horrendous eyesore because there is no regulation. She stated they

don't need that repeated on every corner of Town.

Steve Ginovsky - 19 Hubbard Drive

Mr. Ginovsky stated he would like to comment on the sign. He stated for community service and announcements, churches and such is a 90 day point. He stated he thought the political signs point should be 90 days also. He stated that is under D, number (4).

Mr. Ginovsky stated also on the residential end, it says signs. He stated it does not distinguish between political, for sale, whatever. He stated it says they can have only one on the property. Mr. Ginovsky stated also, on the residential end, it is being limited quite a bit. He stated he would personally like to see on the commercial end signs at the plaza and such that there should be a quarterly, as per year, a fee should be set up for that. He stated a lot of the people that own these plazas and businesses don't even live in Chili and they're getting an undue advantage here. Mr. Ginovsky stated it seems that the taxpayers, namely the property owners, don't get something as such. He stated they are getting clobbered. He stated he thought that there should be a quarterly fee on it, as an escrow, and if they don't comply and keep them up and keep it clean around, cutting grass, whatever the case may be, and it is removed, guess what, they have put the money up front. Mr. Ginovsky stated it is a cost of doing business. He stated no one is giving a free ticket.

Mr. Ginovsky stated under B Residential, Section Number 1, Residential Districts. He stated it indicates "Unless otherwise specified, in this chapter, permitted nonresidential and legal nonconforming residential uses may display no more than one sign of no more than 16 square feet in area, secured directly to a face of the buildings." He stated it is very explicit on it.

Mr. Ginovsky stated making a determination to send the compliance people out to remove it at the homeowner's expense. He stated he thought it is very wrong. He stated he really does believe the 90 day point should be there. He stated same thing as the churches and Boy Scouts and as such. He stated they should and remove seven days. He asked what is the difference.

Mr. Ginovsky stated the candidates generally run their own individual signs. He stated and to limit it to one, he thought it is an unfair thing to be done. He stated the Constitution on the meeting room wall says, "We the People." He stated he is one of the people and he does firmly believe it should be changed.

Mr. Ginovsky stated this law, if the Board is going to pass it this evening, those changes should be really made within it. He stated if not, they should table it and send it back to the drawing board. He stated if this is the best they can do, this is another poor piece of legislation that is being done by their Town. Mr. Ginovsky stated there have been a number of issues, a lot of lawsuits and a lot of money being expended in this Town and he does not really want to see it happen again.

Councilman Slattery stated Mr. Ginovsky said the businesses in Town, the majority aren't owned by local people, they live out of Town. He stated then Mr. Ginovsky stated that the business owners take the blunt of this. Councilman Slattery asked Mr. Ginovsky if he could clarify that for him. Councilman Slattery stated Mr. Ginovsky stated the majority of the business owners

don't live in the Town. Mr. Ginovsky stated that was correct; they don't live in the Town of Chili.

Councilman Slattery stated then Mr. Ginovsky stated that the business owners take the blunt of it. Mr. Ginovsky stated he meant the residential people that are in the R-1 area are paying as the tax point.

Councilman Slattery stated the second point is, Mr. Ginovsky brought up at the first hearing that signs are limited to one per parcel, and then he just made that statement again. He stated that question was brought up earlier, and it was stated that there is no limit on the number of signs, for the political signs.

Mr. Ginovsky stated there are two issues that cross over and it is foggy. Supervisor Hendershott stated there is no crossover. He stated there is no limitation on the number of political signs on a parcel.

Richard Stowe stated perhaps this is easiest clarified by asking the gentleman that would be enforcing this, were it to pass what his interpretation is of the sign standards that Mr. Ginovsky referred to in B(1) for residential districts, and those other signs that are referred to in paragraph D on page 4, where they're not requiring a permit.

Supervisor Hendershott stated he did not know how many different times it can be said that for political signs, there is no limitation per parcel. Daniel Kress stated the only other way to restate the same thing is to point out on page 8, where the reference to residential districts and subsequently to other zoning districts appears, it very explicitly begins with "unless otherwise specified in this chapter." He stated clearly, they have something otherwise specified for political signs, therefore, there is no limitation on the number of political signs.

Henry Versluys - 40 Jensen Drive

Mr. Versluys stated he would like to suggest the following amendments to the proposed local law for regulating signs. He stated on page 2, they have message signs, political signs and posters. He stated he would suggest at the beginning of each sentence, after these titles, that the following words be added: A temporary, non-illuminated, and then finish the rest of the sentence that they have there.

Mr. Versluys stated and in addition to the message sign sentence, after the word "regarding," he would like to suggest that the word "religious" be added along with the social or economic causes.

Mr. Versluys stated on page 4, number 4, he would suggest the following language replace what is there. Replace with this: A poster sign not to exceed 6 square feet in area for each face of the sign, and height of no more than 4 feet from ground level to the top of the sign may be erected for a period not to exceed 30 days prior to an event. Such signs may be removed seven days after the end of the event. Mr. Versluys stated 90 days seems to be quite excessive.

Mr. Versluys stated on page 4, number 11, he would suggest that this particular bit be eliminated

from the non-permit area. He stated it says for a period of 60 days plus the time of the construction period, which means he does not know for how long, and if they are going to have to live with that sign for so long, he would suggest that it be removed from the non-requirement permit area and such sign would have to receive approval and pay a cost for that sign being established

Mr. Versluys stated on page 4, real estate signs, they should replace the sentence starting with "in case of the residential property. " He stated he would suggest this: In the case of residential property, in the case of the residential property, the area of the sign shall not exceed 4 square feet, nor a height of 4 feet from ground level to the top of the sign. Mr. Versluys stated in the case of nonresidential property, the height shall not exceed 7 feet from ground level to the top of the sign. He stated they're suggesting a sign, a "for sale" sign going 7 feet high, which is up to here (indicating). He stated he did not think that is necessary and he did not think they're doing that today. He stated he thought 4 feet is more than appropriate. Mr. Versluys stated in the case of nonresidential property, the sign exceeding 12 feet, that seems quite excessive.

Mr. Versluys stated once again, if they go back to the beginning, it is stated "The purpose of these regulations is to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs and overhanging or projecting over public rights-of-way and provide for more visual open space." Mr. Versluys stated by reducing the heights, it is going to give them more visual space.

Mr. Versluys stated on page 5, number 15, he would like to suggest that that be replaced with the following language: Political signs, not to exceed two per tax account lot and not to exceed 6 square feet in an area for each face of the sign and a height of no more than 4 feet from ground level to the top of the sign may be erected up to 60 days prior to the Election Day and must be removed no later than seven days after the election. He stated 24 square feet.

Mr. Versluys stated he has lived in this Town for approximately 44 years. He stated in all of his time in the Town, he cannot recall of any political sign, anywhere near that size, except one. He stated and that sign appeared at the last election that they had on the front of Chili-Paul Plaza, across from the Senior Center, and it was an atrocious sight not only in size, but people coming out of the plaza, looking up Chili Avenue, could not see oncoming traffic which meant that they had to inch forward so that they could even look up the line. He stated that certainly didn't add to anybody's safety. He stated he does not think they need them. Mr. Versluys stated he thought what he has suggested is more than adequate to put forth the point that they intend to put forth.

Mr. Versluys referred everyone to page 5, number 16. He stated he would suggest signs not to exceed one per tax account lot and not exceed 2 square feet in area for each face of the sign and height no more than 2 feet from ground level to the top of the sign.

Mr. Versluys stated a message sign to him tells what a message sign is. He stated a message sign is a non-commercial advertising sign expressing the opinion or philosophy of the owner/occupant of the subject property regarding religious, social or economic causes.

Mr. Versluys stated he has seen these signs, and they don't approach anything like 16 square feet

in area in a residential area. He stated 16, that is a 4 x 4. He stated someone is going to set that up in the front of their house, perfectly satisfactory. He stated he could just see a neighborhood filled with these signs. He stated this is way, way, beyond anything that he thought is appropriate.

Mr. Versluys stated he has seen message sign signs. He indicated how high from the ground they are. He stated the ones he was indicating are measured off the dimensions he has given. He stated the message is getting across. He stated they usually have been religious signs.

Mr. Versluys stated then, of course, they get signs where they wanted to have a new exit put up for the highway, and they had signs up, "No," and all that. He stated but it has been nothing, nothing like what is suggested here, 16 square feet in area. Mr. Versluys stated if they want a community that can express their opinions, that is fine. Mr. Versluys stated but they also want a community that is a community that people can say they have a very nice community and it is not littered with signs that are inappropriate.

Mr. Versluys stated on page 7, number 3, he would like to suggest the following language be added to the end of the sentence: No permit or temporary sign shall be erected or placed in such a manner to confuse or obstruct the view of any traffic sign, signal or device or oncoming pedestrian vehicle traffic. He stated that is self-explanatory.

Mr. Versluys stated on page 7, number 10, it is indicated a freestanding sign shall be set back with a minimum of 15 feet from the lot line and not exceeding 20 feet in height measured from the ground to the top of the sign.

Mr. Versluys stated he was not quite sure. He stated this freestanding sign, that could be in his yard, a freestanding sign. He stated this was indicating to him that he could have it up to a height of 20 feet. Supervisor Hendershott stated he thought that related to commercial signs.

Mr. Versluys stated commercial signs. He stated freestanding signs. He stated freestanding commercial signs. He stated if they add the commercial to it, that sort of maybe takes the question that he just asked out of the picture. He stated so he would suggest that, freestanding commercial signs. He stated these are commercial signs.

Mr. Versluys asked freestanding signs of any other nature would be for 15 from the line, wouldn't they. He asked or is it just commercial signs that are going to be the 15 feet from the property line.

Richard Stowe stated the sign permit that would be required for the signs that are governed by this section, rather than the section that are exempt from any permit application requires the Building Department to issue the sign permit that would approve this, and these are the standards that if he wanted a sign, he would show on his application how it would be reviewed according to these standards. He stated if a sign standard is not met, that gives the Building Department some criteria in reviewing the application to say "yes" or "no," or a reason why they cannot have a particular sign in a particular location.

Richard Stowe stated to simply say that their Building Department can approve or disapprove signs without these standards is not all right, and these standards seek to give them the criteria. He stated in reviewing those, their Building Department would be determining where those are appropriate, where they create vision impairments or lines-of-sight issues or create a public nuisance. He stated these are the attempts at those sign standards. He stated because these standards might allow something at the outside, does not mean that their Building Department is required to approve everything up to it, if it doesn't meet some of the other criteria that are set forth here.

Mr. Versluys asked if what Mr. Stowe was saying is this freestanding commercial sign has to go through the procedure that they just explained.

Richard Stowe stated the top of the paragraph in question indicates the signs that are required to get a permit need to be reviewed and obtained after they pay a fee and make a sign application,, conformed to these standards.

Mr. Versluys stated they sort of floored him there a little. He stated they say at the top sign standards. He stated he did not see anything that said that they got to do what Mr. Stowe was telling him. Richard Stowe stated one has to read the whole 115-34.4 on page 3.

Mr. Versluys stated under permits required, it says a freestanding sign. He stated not all freestanding signs would have to get a permit. He stated other than if they add the words "commercial signs," then they would have to get a permit.

Richard Stowe stated in the next section, D, there are signs that don't require permits. Richard Stowe stated all other signs require permits according to A. Mr. Versluys stated Mr. Stowe lost him.

Richard Stowe stated paragraph 115-34.4 on page 3, that whole section, if one reads the first paragraph, it says permits are required for signs. He stated that is unless they are excepted. He stated signs not requiring a permit are set forth in D on page 4 and over onto page 5. He stated those signs do not require a permit. He stated they are exempt from a permit. He stated all the other signs require a permit.

Richard Stowe stated the application that they make as set forth on page 6, paragraph A, paragraph B talks about the Director of Planning and Zoning Development's review of the application. He stated paragraph C gives the next step in the procedure, and then on page 7 they are talking about the standards that are going to be utilized in the review and determination by the Building Department of the sign applications that are being submitted to the Building Department because one is required. He stated A is the standards, B is the size and quantity, and C is the general determination of public safety signage, the street numbers and things that are required as a matter of course. He stated the next paragraph talks about the fees they have to pay. He stated the paragraph after that talks about the procedure for removal of signs and what is required for sign maintenance is discussed after that.

Richard Stowe stated so his concern is that if they pick any one of those and read it, without reading the whole chapter, it is easy to lose sight of the real process that one would follow if one came to their Building Department and said they want to put up a sign and asked do they have to get a permit. He stated their Building Department, as a matter of course, sits with the people, gives them a copy of the ordinance and says it is not required because it is exempt in D, it doesn't require a permit, or it is required because permits are required for all signs unless they're exempted; here are the standards that they would review the application on, and here is an application form for the applicant to fill out, and here is a set schedule of fees and how they base their fees for such signs. He stated that is the intention of the ordinance.

Mr. Versluys stated let him ask this question: At the head of this sign standards, the sentence reads, "The following sign standards shall apply to all types of signs erected, altered, relocated or maintained within the Town of Chili. " All signs. Mr. Versluys stated now Mr. Stowe is saying that after he read that, he now better read the whole bit there to be sure that what they are saying up above applies or doesn't apply. He stated if that is the case, then he thought the language needs to be much different than when they say all types of signs. He asked what does that mean. Supervisor Hendershott stated all types except the ones pointed out in the front. He stated he did not how to say it any different than that. Mr. Versluys stated all types of signs. Supervisor Hendershott stated except for the ones that are exempted, which are listed before that. He stated he thought all Mr. Stowe is saying is they can't take one section out of context.

Mr. Versluys stated well, then all they need is a couple of words, "except those excepted. " Mr. Versluys stated that would clarify it and make this business that he is going through much more clear. Supervisor Hendershott stated it has that on the ones that are exempted.

Mr. Versluys stated on page 7, 11, "Any sign or billboard directing attention to a business or products sold elsewhere than on the same lot shall be permitted." Mr. Versluys stated he would like to suggest that they replace that whole bit there with the following language: All signs or billboards directing attention to a business or products sold elsewhere than on the same lot is prohibited. Mr. Versluys stated it is in the law that they have now. He stated he would suggest that it be placed in their proposed law.

Mr. Versluys stated under 12, "No sign shall be installed, erected or attached in any form, shape or manner to a fire escape or to any door or window providing access to any fire escape. Mr. Versluys stated he finds that to be pretty much the same language in other towns. He stated he would like to suggest that a sentence be added that reads no sign shall be attached to a utility pole, other types of poles, trees or other vegetation. He stated utility poles, they all know it's against the law to do it, but all one has to do is ride anywhere, not only in the Town of Chili, but Monroe County, and they will find utility poles just littered with signs. He stated nobody is going to run out and say someone has a sign that is permitted 5 square feet and they have 5 1/2 square feet. He stated they are going to be realistic. He stated but at least it puts before the public what the Town of Chili were to least like to see.

Mr. Versluys stated on page 9, Section A, it says "The owner of any sign that no longer serves a purpose for which a permit was issued or is otherwise in violation of the provisions hereof shall be notified, in writing." He stated he would like to put in there, "certified mail," so there is no

question that this has been done, if any question should arise.

Mr. Versluys stated Section C, he is tripping over the word "immediate. " He stated he just could not see Mr. Hendershott saying because this building is near collapse, he wants everyone to remove themselves from this room immediately, and that they then would wait around to get a letter, sit around for an hour and a half discussing it. Mr. Versluys stated immediate, to him, means right at the moment.

Mr. Versluys stated it says, "signs causing immediate peril. " Mr. Versluys stated "The Director of Planning, Zoning and Development, or designee, upon written notice." Mr. Versluys stated he did not know how long that is going to happen.

Mr. Versluys questioned if a sign is ready to fall down off a building and if it is going to fall down, possibly injuring a pedestrian, causing property damage or whatever, the Town's sending somebody a letter. Mr. Versluys stated he thought they could do better language wise than using that word "immediate. "

Mr. Versluys stated he was not a person versed in language or anything, but he would suggest something on the nature of this: Signs causing an unsafe condition shall be corrected within a time frame that protects persons or property as expeditiously as necessary. Written notice shall inform the owner or persons of any such a sign and the time frame in which to put such sign in a safe and secure condition. Mr. Versluys stated the third sentence could remain as is.

Mr. Versluys stated he was suggesting this language under the impression if there is such a sign that is of immediate peril. Mr. Versluys asked if they had a sign that was ready to fall down, who would close the area off. Supervisor Hendershott stated the Building Inspector, Director of Planning, any of those people could do it. Mr. Versluys stated then he would think that if it was immediate, that that would be done, the area would be closed off and then the process would go into effect. He asked was he wrong in that impression.

Supervisor Hendershott stated it is possible. Mr. Versluys stated he did not like the "possible. " He asked is it going to be done, or is it not going to be done. He stated because if it is immediate peril, it can't be possible that they're going to let this sign stay there without zoning it off to ensure that there is no injury to person or property. He asked would this happen or wouldn't it happen. Supervisor Hendershott stated it depends upon the situation. He stated it could happen.

Mr. Versluys stated they have described this situation, signs causing immediate peril. He stated maybe the Board's interpretation of the word "immediate" and his is different. Supervisor Hendershott stated maybe it is the interpretation of peril that is different.

Mr. Versluys asked Supervisor Hendershott what is his interpretation of peril, immediate peril. Supervisor Hendershott stated it would depend upon the circumstances. He stated he could not account for everything. Mr. Versluys stated he did not think that is quite accurate. He stated immediate peril means that there is some danger, something that is going to cause something. He stated to him, it can only be injury to persons, property, whatever.

Richard Stowe stated he did not think there is going to be anybody that can satisfy Mr. Versluys' desire to define immediate and peril. He stated he thought if one looked at the top paragraph, they wouldn't want an unsafe and dangerous condition to wait 30 days for the owner, after he got a letter, to take care of it himself or herself. He stated this section is intended to give tools to those who have the authority to act, to react to any number of situations, and if "immediate" is a poor choice of words and Mr. Versluys can't get over "immediate," then perhaps that is a shortcoming in the word. He stated but there needs to be something that allows those in charge of the situation at the moment to take charge of the situation, not to have to wait 30 days, get whatever notification is reasonable to the property owner to rectify the situation and failing that, to take charge of the situation and do it themselves.

Mr. Versluys asked was he then to assume that the word or the words "immediate peril" should be something other than that. Richard Stowe stated he did not think so. He stated he thought they work in a lot of other towns' ordinances. He stated he did not think they should be changed. He stated he thought they work in a lot of other towns' local laws and ordinances.

Mr. Versluys stated that could be. He asked Mr. Stowe how many he has read. Richard Stowe stated more than he would care to list. Richard Stowe stated not all of them have that language. He stated some of them do. Mr. Versluys stated he would have to accept that, but that doesn't mean because they have that language, they have to. Supervisor Hendershott stated he thought they understood Mr. Versluys' point.

Mr. Versluys stated generally speaking, people obey the law, but occasionally, they have some that don't. He stated that happens. He stated not only for sign laws, but other laws, as well. He stated and for these people, that don't want to conform to the law, he would suggest that as for other offenses, that certain penalty can be imposed. He stated he would like to see added in the proper location the following language he would suggest for penalty for offenses: Any person who violates any provision of this chapter is guilty of an offense punishable by a fine not exceeding \$100. Each week of continued violation shall constitute a separate violation. He stated he did not think that they should go off scot-free with a slap on the hand. He stated he did not even know if they would get a slap on the hand. He stated fines generally tend to reduce the number of people that would break the law. He stated it doesn't guarantee anything, but on the other hand, if they do, he thought they should pay a penalty.

Bernice Wilcox - Stuart Road

Mrs. Wilcox stated she just would like to complement Mr. Versluys on his comments. She stated she thought they were well taken.

Mrs. Wilcox stated she expressed opinion at the last meeting that she believes political signs are an expression of freedom of speech. She stated they had quite a flap in the Town in the late 1980s with the ACLU, when they tried to put a hammer on them. She stated so she thought they should give quite a bit of thought to what is said here tonight, and be very sure of what they do so that they do not run into a situation where the Town of Chili becomes a laughing stock of the county.

Mrs. Wilcox stated she would address her last remark because of what she heard on WHAM yesterday. She stated now it seems that they are known as the laughing stock of international due to the dirt bike ordinance.

Mrs. Wilcox stated she thought they should give a lot of thought on what they are doing here with the sign ordinance in order to avoid that kind of notoriety in the community. She stated she received a call from as far away as Livingston County, asking her if she lives in a communist Town. She stated she thought that these kind of things are not very good for the Town. She stated people should be a little more thoughtful about what they do with these ordinances.

Mrs. Wilcox stated she recalls, too, when Mr. Lusk was Supervisor, they had a Town Attorney that drew up a dog ordinance that would have required the dog owners to have air-conditioned dog houses, and that had to be withdrawn. She suggested the Town not get itself into something that makes a joke out of the Town.

Dorothy Borgus - 31 Stuart Road

Ms. Borgus stated she spoke at the January 15th public hearing on the initial version of this law. She stated she is very dissatisfied that they have come back with so few changes. She stated not just because she suggested changes, but there were many suggested changes that night, and she sees three minor variations.

Ms. Borgus stated Mr. Versluys is very correct in a lot of his comments. She stated she thought he has some very good points. She stated she has wanted a new sign law for many years. She stated she was extremely disappointed when they finally got a change, attempted a change at least, that they came up with something so very, very liberal in so many ways and so restrictive in so many more. She stated this law is a disappointment as it stands.

Ms. Borgus stated she would like to go back to some of her comments that she made on January 15th, because they still stand. She stated on page 4, with regard to Number 4, she does not believe that any event sign should be up for 90 days. She stated this would mean, for instance, that St. Pius, with their summer festival, would put a sign up in March or April and leave it up until summer. She stated that is horrible. Ms. Borgus stated St. Christopher's has their country fair in June. She stated they would be putting a sign up any week now. She asked do they want that. She stated she does not think so. She stated she does not think the people in this room want that.

Ms. Borgus stated these numbers are not just numbers. She stated these are going to result in situations that people in this Town have to live with. She stated these are not just numbers they are throwing on a piece of paper. She stated it looks to her like this law was basically copied from another Town with few changes, and not too much thought went into some parts of it.

Ms. Borgus stated still on page 4, number 12, she agrees with Mr. Versluys that the height of the sign shall not be 12 feet above grade. She stated that is incredible. She stated that is just too high. She stated 10 feet maybe, 8 feet maybe, not 12.

Ms. Borgus stated on page 5, number 13, it needs to be clarified. She stated they can't have signs

advertising apartments on one side of Town, being advertised on the other side of Town. She stated they are going to turn this Town into Coney Island. She stated there ought to be a limit as to how far away in a radius of miles from a given apartment complex or home complex that these signs can go. She stated she brought this up before and evidently nobody is listening here.

Ms. Borgus stated on number 14, on page 5, that needs to be looked at. She stated the height is too high. She stated it is the same as the one before. She stated it is too much.

Ms. Borgus stated regarding the political signs in number 15, Mr. Versluys is again correct. She stated 24 square feet is too big. She stated everyone should think what this would be visually if three or four candidates started putting up 24 foot square signs. She stated this would be an incredible mess. She stated they are not looking at just one sign somewhere. She stated they are looking at many signs. She stated once a trend starts, all of the commercial enterprises in Town will pick up on it and there wouldn't be any holding them back. She stated the 16 square feet is still too big.

Ms. Borgus stated she agrees with Mrs. Neder. She stated they have not dealt with neon signs in this ordinance. She stated Pittsford has just gone through a thing recently where even neon signs are being questioned, open signs that are neon signs. She asked why can't they learn from the lessons in other towns. She stated they have to deal with the neon sign issue here.

Ms. Borgus stated on page 7, she still has a problem with the 20 feet. She stated there is no provision in the law for any penalties. She stated there is no provision other than to say that a department head is going to be responsible for getting the sign down. She stated there is no way in this sign law to have the sign owner bear the cost of removal. She stated a small sign is no problem. She stated somebody can pull it out of the ground, but some of these signs are of such a nature that that would take considerable work, effort and disposal costs on the part of Town employees. She stated that should not be borne by the taxpayers when this becomes necessary.

Ms. Borgus stated although it seems silly this should have to be mentioned, the name on any freestanding sign should be the same as the sign on the building. She stated they would think that that wouldn't be a problem, but right down the street, at their newest pizza place, they have got a case and point of different names. She asked how can that be allowed in a Town. She asked what does this make them look like to outsiders. She stated they have a name on the building and a different name on the sign. She stated the two signs that don't even agree.

Ms. Borgus stated these are small things. She stated these don't need a lot of fixing. She stated this is a matter of just fixing the wording.

She stated she does agree with Mr. Versluys, too, on the sign standards. She stated a couple of words added in that, either in the heading, under sign standards or in A, in the first sentence of the section would clarify that whole issue, and they don't need to make a big deal of it. She stated a couple of words is all it would take.

Ms. Borgus stated this law needs some serious work yet. She stated she would just like to refer the Board back to what Reverend Bacus said when he gave the invocation at the beginning of

this meeting. She stated he prayed that this Board would be dissatisfied with any imperfect plan. She stated this is an imperfect plan. She stated she hopes that somebody up above intervenes and they get a decent law. She asked the Board to not pass this tonight. She stated they should go back and do what the people of this Town want.

Paul Dobelstein - 32 Parkway Drive

Mr. Dobelstein stated he would make this very brief because he has sensed that if there is one thing they agree upon, Board and audience, is that this thing is being hashed over to death. He stated as he sat here, looking over these papers once again, realizing that these are indeed representing pages that have undergone a lot of thought, a lot of work and a lot of revision, he finds himself wondering more and more deeply, what was the pattern for the design of these papers. He asked what were they modeling their intention upon.

Mr. Dobelstein stated one word in particular strikes him as revealing how totally inadequate this thing is at this point and that is where it says on page 2, the intent of these regulations is to require that all signage shall be legible, attractive and compatible with the signs surrounding. He asked where did they derive their feelings of attractiveness.

Mr. Dobelstein stated they are talking about some very subjective issues here. He asked why are they all hashing this over and over again. He stated it is because they are intending to play with people's concept, their perception what free speech means in a free country, in a free nation, and that shouldn't be taken into consideration very likely. He stated they ought to be doing the best that they possibly can.

Mr. Dobelstein stated in that regard, and in all of the talk that first came to his attention, in all the time since, he has not heard one expert opinion from federal government, schools of art, people who deal in constitutional issues. He stated he has not heard one recommendation by the proponents of this law as to why they should believe anything that is in here over anyone else's opinion of what should be in here.

Mr. Dobelstein questioned therefore, having said that, are they at an impasse. He stated certainly not. He stated what they should be doing is to do what they should have done in the first place, before investing all this time and effort into a law that so many find flawed in some way. He stated they should have conducted a one, two, perhaps more open and highly advertised public meeting. He stated presumably this kind of law comes about because somebody doesn't like what is happening in Town. He stated they should let the people have their feelings out before this kind of thing gets to the concrete stage where they are trying to fudge on little points to get the law passed. He stated this kind of half-baked approach will not do when they are dealing with something as wide ranging, as broad of scope, as influential on most people's lives as the very factors of what they can put on their own property, how it has to appear to other people, and to what appeal it should have for itself onto them, they who put the signs up, and to what purpose it accomplishes their ends.

Mr. Dobelstein stated as he looks at the words, "thereby to enhance the surrounding area," he does not know of any sign he has ever known that enhances the surrounding area. He stated the area speaks for itself. He stated they need some change if they are to believe that signs are to

enhance the area.

Mr. Dobelstein mentioned the lighted menu board that goes up regularly in front of the beautiful Pearce Memorial Church over in North Chili. He stated that sign certainly does nothing to enhance the appearance of the sanctuary. He stated he would like to suggest that it is not too late, perhaps, to salvage meaningful portions of this document. He stated they should table it until they have a big public meeting, well advertised and see who shows up, not a scant public hearing immediately before they vote on the issue. He stated they should really give people a chance to understand what is involved. He stated they should understand the problem before they seek a solution. He stated he is afraid they haven't done that here.

Beverly Griebel, Chair of the Zoning Board of Appeals

Ms. Griebel stated she received a copy of the original law in her mailbox, but she did not receive any notice of the changes, so she was not sure what changes were made for this hearing tonight. She stated she is opposed to this change that would remove the jurisdiction of the freestanding signs from the seven member ZBA Board to a decision to be in the hands of one person in the Building Department. She stated she also stated that at the last hearing. She stated she is also opposed to the political signs being included in the sign ordinance.

Charles Retting - 1032 Coldwater Road

Mr. Retting stated he would just like to emphasize a couple of points. He stated they do not need just a rubber stamp of some other Town's sign law. Mr. Retting stated a public meeting would have been a good way to start this, and it will now be a good way to even finish this so that they can get good input and cover some of these points.

Mr. Retting stated some items that are not addressed should be. He stated interstate highway signs, commercial advertising signs along the interstate, that is not addressed. He stated that can be and should be addressed locally before New York State, so it should be reviewed as to what New York State law is and then see the Town's own problems.

Mr. Retting stated a case came up at a recent Zoning Board meeting where an individual was trying to advertise for a location different from where the sign was even posted. He asked do they need that. He stated there are specific New York State laws addressing that, but they also need something locally. He stated they don't need billboards along the expressway.

Mr. Retting stated he would recommend that this sign law not turn over the issues of what are now the Zoning Board's responsibility for signs directly to the Director of Planning, Zoning and Development. He stated the Zoning Board does that for a reason, to cover all signs, cover all aspects of sign review. He stated first of all, it wouldn't be known by the public directly, which now it is discussed at an open public forum, with the Zoning Board. He stated everyone would have to search on their own to find out what is going on with specific signs with the Director of Planning. He stated they do not need that. He stated they should not have that.

Mr. Retting stated also for what they have seen, they need to discuss and evaluate this further in public, not behind closed doors, because what they have seen thus far are three minor changes. He stated he might state that these changes that have been recommended in the past, at past

hearings have been ignored by this Board, by the fact that they're not even addressed in this revised publication of the proposed sign law.

Mr. Rettig stated the item for commercial signs to have a fee, the fact that neon signs should be addressed, distances from the corner, enforcement, fines and penalties have not been addressed. He stated maintenance costs that have to be addressed by the Town should be at the cost of the owner.

Mr. Rettig stated what they need is clearer language, and they need a better law, and it needs some serious work, not what has been done similar with their noise law, without decibel readings, or their racetrack law with poor definitions. He stated those are two examples already causing problems. He stated what they need to do is seriously look at these laws, this particular sign law so that they can make it better and make it correct to start with.

Mr. Rettig stated he might also point out that they have a present house numbers law that is not even enforced. He stated there is a very simple item that businesses and homes have house numbers for public safety, ambulance, fire, and that's not even enforced. He stated so if they expect this to be enforced by just one individual, they have got other problems there.

Mr. Rettig stated this should be tabled, and seriously looked at more carefully.

Irene Brixner - 14 Hartom Road

Ms. Brixner asked what the law for political signs is in other towns. She stated she personally thinks that her property is her property, and if she wants someone's sign on her property, it was her right to have it on her property. She stated no Town government should say no, they put it up too early. She stated it doesn't make any sense that they would put a limit to political signs. She stated they are snuckering people in making them think that they are concerned about the Town's beauty, when really what they are concerned about is the incumbents. She stated it is hard for a new person to come in. She stated the incumbents have a better chance.

Ms. Brixner asked why bother putting political signs in the sign law. She stated it is their right. She stated it is their right. She stated she thought it has been challenged someplace else. She stated she thought it was Brighton or Penfield.

Ms. Brixner questioned it being all right for the religious organizations to put a sign up for 90 days, but yet for an owner of property paying taxes, they can't put up it up for 90 days; they must be limited. She stated she really thinks that is free speech. She stated they are giving the community a very, very wrong opinion about this decision.

Ann Leach - 30 Stuart Road

Ms. Leach stated regarding political signs, they say 48 days prior to Election Day. She asked could they be specific. She asked is that November 4th, or is this a special referendum time. Supervisor Hendershott stated it is any election, not specific.

Ms. Leach stated so if they backtrack 48 days from November 4th, that comes out to September 17th, and the primary could be September 9th or September 16th. She stated they would have

seven days to take them down after that. She asked is there like a one-day leeway there or what. Supervisor Hendershott stated he would think they would overlap.

Ms. Leach stated 48 days prior to primary day, so actually that would be 94 days. Supervisor Hendershott stated he didn't do the math. Ms. Leach stated 48 and 48.

Ms. Leach stated she has seen signs regarding puppies for sale. She asked what category does that fall under. She asked is there a limit to the number of days that can be up. Supervisor Hendershott stated the answer is yes. He stated it would be the same as a temporary sign like a garage sale.

Ms. Leach stated it says garage sales and auctions. She stated it is not specific. Supervisor Hendershott stated he thought it would go to that.

Ms. Leach questioned Number 8, on page 4. Supervisor Hendershott stated that would be in there. Richard Stowe stated it would be regarded as a private merchandise sale. Ms. Leach stated the section refers to garage sales and auctions, not specific for merchandise, such as puppies that turn into dogs. Richard Stowe stated that is how he would interpret that.

The Public Hearing was closed at 8:03 p.m.

NEXT MEETING

Town Board - 6:00 p.m. Wednesday, March 19, 2003 at the Town Hall

The meeting was adjourned at 9:23 p.m.