CHILI TOWN BOARD
July 16, 2003

A meeting of the Chili Town Board was held on July 16, 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, Councilwoman Ignatowski 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; Daniel Kress, Director of Planning, Zoning & Development.

The invocation was given by 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. Four speakers addressed the Town Board on various subjects, and the Public Forum concluded at 6:43 p.m.

The 5/21/03, 6/11/03 and 7/8/03 Town Board minutes were approved as submitted.

REPORTS SUBMITTED:
Examining Board of Plumbers - 6/2/03
Planning Board - 5/13/03 and 6/10/03
Zoning Board of Appeals - 5/20/03
Library Board of Trustees - 5/27/03
Historic Preservation Board - 5/12/03 & 6/9/03
Building Permit Report - June 2003
Town Clerk Report - June 2003
Conservation Board - 6/2/03
Senior Center Revenue Report - June 2003
Recreation Dept. Revenue Report -June 2003 Community Center Revenue Report - June 2003
Supervisor's Monthly Report - June 2003 Drainage Committee - 6-3-03

COUNCIL MEMBERS' REPORT:

Councilman Powers asked Joseph Carr if they put a stop bar at 386 and Chili Avenue. He stated they did at Beaver. Councilman Powers asked have they had any response from the State with regard to that marking on 386 there. Joseph Carr stated he has not heard yet, no. Councilman Powers stated he did not know if the Supervisor was aware of it. He stated there was a request from the Legion at that the intersection there, at Stryker Road and 386 where they marked it for passing, if it is possible to double line it to stop the passing there.

Councilman Powers asked why the Parks Foreman is taking home a truck. He asked what is the

use of that for. Joseph Carr stated there is a big need for that at this point in time. He stated their Parks Foreman is essentially on duty 24 hours a day, 7 days a week. He stated he has to respond to problems at the parks nights and weekends, and it seems very appropriate that he has the
appropriate vehicle at his disposal to do that. Joseph Carr stated he has set that up for the summer season. He stated he expects to review that situation in the fall.

Councilwoman Sperr stated she just wanted to make a comment about the Homearama. She stated she attended Homearama at the opening ceremony on Friday night and was just so impressed with the work that Faber Management did in concert with all of the other builders. She stated if anyone hasn't been there, they should find the time to go and see it and how proud they are in Chili to have Homearama out here this year.

Councilman Slattery invited everybody and reminded everybody about the Chil-E Fest. He stated one new additional activity there this year would be a dunking booth that himself and Town Clerk Richard Brongo will be sitting in at one point. He stated the dunking booth is to help Cancer Action and Lifetime Assistance. Councilman Slattery stated three years ago they brought individuals in with special needs on Thursday to come and participate with the rides before it is open to the public, and once again, the response has been outstanding, and there will be representatives from those agencies involved in the dunking booth.

Richard Brongo stated he has received today an application for Town license from a company that is called Woodstar Alarm. He stated he was very fortunate, or unfortunate, to have them call on him about three months ago. He stated they didn't have a license at that time and he told them that they needed a license, to please come into the Town Hall.

Richard Brongo stated since that time, they have gotten a number of complaints from residents in regards to this particular company. He stated two of the other towns have revoked licenses they had issued to them. Richard Brongo stated he is not going to issue them a license.

Richard Brongo stated he wanted the Board to be aware of that, because when he does not issue them a license, they have the ability to come before the Town Board to seek approval of a license, so they may choose that. He stated so at the next meeting they may be present. He stated but from his standpoint, he is not giving them one.

Supervisor Hendershott stated a gentleman had passed a notice up that indicated he wanted to come to speak to the forum; however, he was involved in an auto accident en route which delayed him getting here. Supervisor Hendershott stated he was going to make an exception in this case and allow Mr. Phillips, because of the circumstances, to come up and address the Board as to the public forum.

(Mr. Phillips made his comments.)

Richard Stowe stated inasmuch as this gentleman's remarks were directed to the issue that was the subject of a public hearing, he thought the stenographer should include those remarks in the public hearing minutes instead of the public forum minutes. Supervisor Hendershott stated he

thought that makes good sense.

Supervisor Hendershott stated he just wanted to bring to everyone's attention they have an addendum to tonight's agenda which was passed out to everybody, and it was also made available to the public. He stated when they get to the end of the agenda, they will move to the addendum.

CORRESPONDENCE:
Memo from Richard J. Brongo, Town Clerk, stating he has received notification that Peaches Place located at 1440 Scottsville Road has made application for a Liquor License Renewal with the State Liquor Authority.

Letter of resignation received July 14th from Councilwoman Carol O'Connor resigning from the Chili Town Board effective July 15, 2003.

RESOLUTION #258 RE: Resignation of Councilwoman O'Connor

Offered by: Supervisor Hendershott **Seconded by: Councilpersons Powers, Slattery, Sperr and Ignatowski**

WHEREAS, Carol O'Connor has diligently served the Town as a Councilwoman since January 1, 2000 and prior to that as Town Clerk for 27 years, and,

WHEREAS, Councilwoman O'Connor has faced some significant health challenges in recent months that have had an impact on her desire to serve the Town.
NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby accepts the resignation of Carol O'Connor effective July 15, 2003 and expresses our extreme gratitude for her many years of service to the Town of Chili.

UNANIMOUSLY APPROVED

RESOLUTION #259 RE: Appointment of Virginia Ignatowski

Offered by: Councilman Slattery **Seconded by: Councilwoman Sperr**

BE IT RESOLVED that Virginia Ignatowski be appointed to the Town Board, effective immediately, to serve out Councilwoman Carol O'Connor's remaining term, running through 12/31/03.

Amendment:
Offered by: Councilman Powers **Seconded by: (no second)**

BE IT RESOLVED that Ronald Fodge be appointed to the Town Board, effective immediately,

to serve out Councilwoman Carol O'Connor's remaining term, running through 12/31/03.

MOTION DIES FOR LACK OF A SECOND

Amendment:
Offered by: Councilman Powers **Seconded by: (no second)**

BE IT RESOLVED that Justine Winnicki be appointed to the Town Board, effective immediately, to serve out Councilwoman Carol O'Connor's remaining term, running through 12/31/03.

MOTION DIES FOR LACK OF A SECOND

On the original motion: 3 YES TO 1 NO (Councilman Powers voted no.)

Councilwoman Ignatowski participated in the following resolutions.

RESOLUTION #260 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 Rosato property located at 252 Ballantyne Road. The tax account number is 147.030-1-029. The Applicant/Owner, Antonio Rosato, has paid the requested fees.

UNANIMOUSLY APPROVED

RESOLUTION #261 RE: Extension of Consolidated Drainage District

Offered by: Councilman Slattery **Seconded by: Councilwoman Ignatowski**
BE IT RESOLVED that the Consolidated Drainage District be extended to serve the Simmons property located at 785 Beahan Road. The tax account number is 134.190-01-009.000. The Applicant/Owner, Eldon M. Simmons, has paid the requested fees.

UNANIMOUSLY APPROVED

RESOLUTION #262 RE: Rezoning of 465 Paul Road from LI (Limited Industrial) to ADATOD (Airport Development Area Transportation Overlay District)

Offered by: Councilman Slattery **Seconded by: Councilwoman Sperr**

WHEREAS, the Planning Board at their May 13, 2003 meeting approved, by a vote of 6-0, the final site plan approval for the Paul Road Industrial Park located at 465 Paul Road. The

Planning Board, as per Section 115.20.4C recommends that this property be rezoned from LI (Limited Industrial) to ADATOD (Airport Development Area Transportation Overlay District); and

WHEREAS, the Town Board at their May 21, 2003 meeting declared itself lead agency for SEQRA review purposes and directed the Town Clerk to send notification of such designation to all affected agencies and set a public hearing for July 16, 2003 at 6:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Chili has reviewed the record, heard the comments at the Public Hearing on the Rezoning and considered all the input concerning the Environmental impact of the proposed rezoning

NOW, THEREFORE, BE IT RESOLVED that the Town Board makes a determination of no significant environmental impact concerning the rezoning of 465 Paul Road and hereby approves the rezoning from LI (Limited Industrial) to ADATOD (Airport Development Area Transportation Overlay District).

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

RESOLUTION #263 RE: Set Public Hearing for August 13, 2003 at 6:00 p.m.

Offered by: Councilman Slattery **Seconded by: Councilwoman Ignatowski**
BE IT RESOLVED that a Public Hearing be set for August 13, 2003 at 6:00 p.m. to consider extension of the Consolidated Drainage District to serve Black Creek Estates located at 159 Chili-Scottsville Road. The tax account number is 158.02-1-8. The Applicant/Owner, Robert Fallone, Jr., is to be responsible for cost of Legal Notice and filing fee with Monroe County Clerk.

UNANIMOUSLY APPROVED

RESOLUTION #264 RE: Set Public Hearing for August 13, 2003 at 6:00 p.m.

Offered by: Councilman Slattery **Seconded by: Councilwoman Ignatowski**
BE IT RESOLVED that a Public Hearing be set for August 13, 2003 at 6:00 p.m. to consider extension of the Consolidated Drainage District to serve the Karpinski property located at 3183 Chili Avenue. The tax account number is 146.10-01-071. The Applicant/Owner, Joseph Karpinski, is to be responsible for cost of Legal Notice and filing fee with Monroe County Clerk.

UNANIMOUSLY APPROVED

RESOLUTION #265 RE: Town of Chili Map by Mapworks, Inc.

Offered by: Councilman Slattery **Seconded by: Councilwoman Sperr**

WHEREAS, there have been significant changes to the Town over the past four years which have caused the 2000 Community Map (prepared in 1999) to become outdated; and

WHEREAS, it is desirable to update the community on the new streets, parks, telephone numbers and website for the Town;

NOW, THEREFORE, BE IT RESOLVED that Supervisor Hendershott is hereby authorized to enter into an agreement with Mapworks, Inc. to publish said map and mail to all households in Chili the custom street map and government directory at no cost to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #266 RE: Removal from Chili Fire Department, Inc. Active List

Offered by: Councilman Powers **Seconded by: Councilwoman Sperr**

BE IT RESOLVED that the following individuals be removed from the Chili Fire Department, Inc. Active List effective May 12, 2003: Carol Coy, Jessica Parker and Matthew Schulmerich; and

BE IT FURTHER RESOLVED that the following individuals be removed from the Chili Fire Department, Inc. Active List effective June 11, 2003: Benjamin Evans, Paul Martin, Robert Mattil and Jennifer Short.

UNANIMOUSLY APPROVED

RESOLUTION #267 RE: Addition to Chili Fire Department, Inc. Active List

Offered by: Councilman Powers **Seconded by: Councilwoman Ignatowski**

BE IT RESOLVED that Dennis Tyson is added to the Chili Fire Department, Inc. Active List effective May 12, 2003; and

BE IT FURTHER RESOLVED that the following individuals be added to the Chili Fire Department, Inc. Active List effective June 11, 2003:

Gerald Carberry
Andrew Goole
Anthony Sarkis
Michael Simeone
John Simpson, III
Joseph Steimer, III
Michael Wooledge

UNANIMOUSLY APPROVED

RESOLUTION #268 RE: Establish Letter of Credit for Paul Road Industrial Park (Curbell Plastics)

Offered by: Councilman Slattery **Seconded by: Councilwoman Sperr**

BE IT RESOLVED that per recommendation of the Town Engineer a letter of credit be established for Paul Road Industrial Park (Curbell Plastics) in the amount of $18,681.00. Items within the letter of credit to include, but are not limited to, construction of a storm sewer retention pond including piping, outfall structure, stone erosion control and excavation.

Additional provisions included within the letter of credit are a 10% construction contingency, a 5% contingency for Town Engineering inspection services and a 1% contingency for Town Administration.

UNANIMOUSLY APPROVED

RESOLUTION #269 RE: Letter of Credit Release for Park Place Phase 1

Offered by: Councilman Slattery **Seconded by: Councilwoman Ignatowski**

BE IT RESOLVED that per recommendation of the Town Engineer, $102,504.15 be released from Letter of Credit #1101546165 with Canandaigua National Bank for Park Place Subdivision, Phase 1, leaving a balance of $261,172.44 subject to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #270 RE: Letter of Credit Release for Park Place Phase 2

Offered by: Councilman Slattery **Seconded by: Councilwoman Sperr**

BE IT RESOLVED that per recommendation of the Town Engineer, $19,354.50 be released from Letter of Credit #1101546173 with Canandaigua National Bank for Park Place Subdivision, Phase 2, leaving a balance of $178,664.50 subject to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #271 RE: Accept Resignation of Frank DeSantis from the Parks Department

Offered by: Councilman Slattery **Seconded by: Councilman Powers**

BE IT RESOLVED that the Town Board officially accepts the resignation of Frank DeSantis from the Parks Department effective June 20, 2003 and thanks him for his service to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #272 RE: Accept Resignation of Barbara J. Boessl from the Senior Center

Offered by: Councilman Slattery **Seconded by: Councilwoman Ignatowski**

BE IT RESOLVED that the Town Board officially accepts the resignation of Barbara J. Boessl from the Senior Center effective August 15, 2003 and thanks her for her service to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #273: Special Police Services for Clifton Annual Firemen's Carnival

Offered by: Councilman Powers **Seconded by: Councilwoman Sperr**

BE IT RESOLVED that the Clifton Fire Department is hereby authorized to use the services of our Special Police for their Annual Firemen's Carnival held August 1 and 2, 2003; and

BE IT FURTHER RESOLVED that they obtain the standard training approval from Monroe County and that the Town Clerk is hereby ordered to notify both the Special Police Unit and the Clifton Fire Department.

UNANIMOUSLY APPROVED

RESOLUTION #274 : Handicapped Accessibility Training

Offered by: Councilwoman Sperr **Seconded by: Councilman Slattery**

BE IT RESOLVED that per recommendation of Daniel J. Kress, Director of Planning, Zoning & Development, Dennis Scibetta and Daniel Kress are hereby authorized to attend the one-day seminar on "Handicapped Accessibility: Making Sense of the New NYS Building Code and Related Standards" to be held in Canandaigua on August 7, 2003 from 8:30 a.m. to 4:00 p.m. at a cost not to exceed $50.

UNANIMOUSLY APPROVED

RESOLUTION #275 : Authorize Bids for Union Station Park Pavilion Building

Offered by: Councilman Slattery **Seconded by: Councilwoman Sperr**

WHEREAS, the Town Board hereby authorizes the advertisement for bids for Union Station Park Pavilion Building. Bids are to be advertised in the local newspaper on July 23, 2003. Bids will be received by the Town Clerk until 11:00 a.m. on August 13, 2003.

UNANIMOUSLY APPROVED

RESOLUTION #276 RE: Deferred Compensation Committee

Offered by: Councilwoman Sperr **Seconded by: Councilman Slattery**

BE IT RESOLVED that Stephen W. Hendershott, Supervisor be appointed as a member of the Deferred Compensation Committee for the Town of Chili.

UNANIMOUSLY APPROVED

RESOLUTION #277 RE: June 16, 2003 Abstract

Offered by: Councilman Slattery **Seconded by: Councilwoman Sperr**

WHEREAS, January 2, 2003 resolution authorized vouchers to be paid June 16, 2003 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 2796-3046 totaling $170,075.74 to be paid from the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk;

NOW, THEREFORE, BE IT RESOLVED to note for the record vouchers 2796-3046 were paid from the following funds:

General Fund	$ 83,282.22
Highway Fund	44,627.90
Library Fund	860.00
H35 Chili Avenue Widening Project D017381	260.00
H36 Chili Sewer Benefit #1	1,275.00
H38 Annual 2002-3 Reassessment Program	1,690.66
Consolidated Drainage District	681.05
Chili Fire Protection District	27,872.00
Special Light Districts	9,148.37
Brick Walk Promotion	378.54
Total for Abstract	$170,075.74

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

RESOLUTION #278 RE: July 2, 2003 Abstract

Offered by: Councilwoman Sperr **Seconded by: Councilman Slattery**

WHEREAS, January 2, 2003 resolution authorized vouchers to be paid July 2, 2003 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 3150-3358 totaling $143,332.15 to be paid from the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk;

NOW, THEREFORE, BE IT RESOLVED to note for the record vouchers 3150-3358 were paid from the following funds:

General Fund	$123,412.66
Highway Fund	11,966.74
H35 Chili Avenue Widening Project D017381	6,488.25
Consolidated Drainage District	1,091.04
Special Light Districts	94.06
Brick Walk Promotion	279.40
Total for Abstract	$ 143,332.15

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

RESOLUTION #279 RE: Payment of Claims for July 16, 2003

Offered by: Councilman Slattery **Seconded by: Councilwoman Sperr**

BE IT RESOLVED to pay vouchers #3359 - 3561 totaling $149,311.46 from the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk:

GENERAL FUND	$ 56,194.49
HIGHWAY FUND	47,226.64
H10 HIGHWAY EQUIPMENT RESERVE	35,000.00
CONSOLIDATED DRAINAGE	1,169.72
SPECIAL LIGHT DISTRICTS	9,402.61
SENIOR CENTER FUNDRAISER	318.00
TOTAL ABSTRACT	$149,311.46

UNANIMOUSLY APPROVED

RESOLUTION #280 RE: Appointment of Clerk Typist - Part-time for Senior Center

Offered by: Councilman Slattery **Seconded by: Councilwoman Sperr**

BE IT RESOLVED that Sandra Wood is hereby appointed as Clerk Typist - Part Time for the Senior Center, at a pay rate of $8.70 per hour, not to exceed 19 1/2 hours per week effective

August 4, 2003.

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

PUBLIC HEARINGS

A Public Hearing was held by the Chili Town Board on July 16, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:04 p.m. actual time) to consider extension of the Consolidated Drainage District to serve the Rosato property located at 252 Ballantyne Road

Attendance as previously noted in the 7/16/03 Chili Town Board meeting minutes.

No one was present to represent the Rosato property located at 252 Ballantyne Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Jerry Brixner - 14 Hartom Road
Mr. Brixner asked where 252 Ballantyne Road is. Supervisor Hendershott stated it is in between where the Greenway Trail is and the Rochester & Southern Railroad track.

The Public Hearing was closed at 6:05 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on July 16, 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 Simmons property located at 785 Beahan Road.

Attendance as previously noted in the 7/16/03 Chili Town Board meeting minutes.

No one was present to represent the Simmons property located at 785 Beahan Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 6:05 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on July 16, 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 rezoning of 465 Paul Road from LI (Limited Industrial) to ADATOD (Airport Development

Area Transportation Overlay District).

Attendance as previously noted in the 7/16/03 Chili Town Board meeting minutes.

No one was present to represent the 465 Paul Road property.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Supervisor Hendershott stated this is the property on Paul Road that is next to the former Bausch & Lomb facility down near Marshall Road. He stated the owners of the property, Buckingham Properties have resubdivided that property and have come in. He stated they have been before the Planning Board. He stated they have received a recommendation from the Planning Board to carry out this zoning change.

Supervisor Hendershott asked Mr. Faso has the Planning Board granted final approval on this project pending this application. Don Faso stated they have final. Supervisor Hendershott stated they have final pending. He stated that is for a warehouse use that is down there. Don Faso stated that was correct. Supervisor Hendershott stated so that is what is before them this evening.

Mark Valentine, Duncan Jackson and Richard LeFrois were present regarding the rezoning request for 465 Paul Road. Mr. Valentine stated he and Duncan Jackson are with the MRB Group. Mr. Valentine stated Rich LeFrois of LeFrois Builders will be one of the owners and developers of the property.

Mr. Valentine stated they were present requesting the rezoning of the Paul Road Industrial Park from Limited Industrial to the ADATOD overlay. He stated currently it is in an ADATOD overlay. He stated they are just requesting that it be rezoned to ADATOD to facilitate both the warehousing and the distribution in that area.

Mr. Valentine stated by rezoning it to the ADATOD, it does not change any of the permanent uses that are there now. He stated it won't change any uses that are allowed. He stated it will only facilitate the development of the property in that they won't have to come in for conditional use permits for the warehouse and distribution part of it. He stated those are currently allowed in the Limited Industrial through conditional use permit.

Mr. Valentine stated they are working currently on the development of a lot on the corner that would be partially a distribution warehousing property as it is right now. He stated as part of this rezoning here, they are obviously going to have to have a conditional use permit for that.

Mr. Valentine stated as the Supervisor had stated earlier, they have been before the Planning Board, and the Planning Board has made a recommendation to the Town Board for this rezoning. Mr. Valentine stated again, they are just asking for the rezoning from the Limited Industrial to the ADATOD.

Supervisor Hendershott stated this is something that doesn't happen on a regular basis. He asked

Daniel Kress to inform the Board and the people that were present for the public hearing with a quick synopsis of what this overlay district has done and why the ability to do this was put in place.

Daniel Kress stated he would try to give a 60-second version. He stated the ADATOD district, the Airport Development Air Transportation Overlay District, was added to the zoning regulations about three years ago in the Year 2000. He stated the purpose of that district is to provide for warehousing and distribution, a number of over permitted uses. He stated that is the one that is pertinent to this application tonight.

Daniel Kress stated it is to permit those uses in a specifically defined area near the airport. He stated it is basically to take advantage of the proximity to the Greater Rochester International Airport. He stated one of the specifically identified areas that are listed in the zoning that was put in in the Year 2000 was outside of Paul Road, east of Carriage House Lane, so clearly the property in question, the former Bausch & Lomb property is intended to be included in this area.

Daniel Kress stated the parcel is already zoned Limited Industrial. He stated the overlay district makes warehousing and distribution permitted. He stated the criteria for rezoning talks about the availability of public water and sewer. He stated that is not an issue here. He stated direct access to public streets, they obviously also have that here.

Daniel Kress stated finally there needs to be a complete record of the intended use and its impacts in this case. He stated the site plan that was submitted to and approved by the Planning Board should suffice for that.

Daniel Kress stated so since the Planning Board, as was previously mentioned, did recommend favorably and approved the site plan with the condition that this rezoning ADATOD overlay district be added, the applicant is now in a position of being able to proceed, but to have this particular use be legal, they need the Town Board's approval to be added to the ADATOD.

Supervisor Hendershott stated the uses that they're going to have that would take place under this ADATOD designation are no different than they would be under the existing zoning. He stated it is merely the process in which this is done. Daniel Kress stated that is correct. He stated, in fact, the uses in many ways are not dissimilar to what was going on when Bausch & Lomb was operating there already. He stated that obviously predated the zoning regulation, but it moves them in a category of permitted uses, which frankly makes the process for new businesses to open up a little less burdensome.

Councilman Powers asked Daniel Kress to define the ADATOD District, what areas of Chili it covers. Daniel Kress stated it is called out fairly specifically in the zoning book. He stated those overlay regulations shall be limited to those lands that are currently zoned Limited Industrial and which are located north of Black Creek, west of the Genesee River, south of Paul Road, east of Carriage House Lane, south of the Chili/Gates border, east of Lexington and Battle Green Drive. He stated those are the areas that are specifically called out.

Councilman Powers stated he was just wondering if they had included the Paul Road School. Supervisor Hendershott stated they have not. Daniel Kress stated not unless it is east of Carriage House Lane and he did not think they will find that. Supervisor Hendershott stated that is the street that is right next to Bausch & Lomb.

Councilman Slattery clarified with the conditional use permit, right now they could go in there and operate this business but they would have to apply for and receive the conditional use permit. He asked to do that, how often would they have to come back to the Board for that approval. Supervisor Hendershott stated he did not think that that is set, but generally the Planning Board does two years initially, and then expands it to five or more. Don Faso stated it's the Planning
Board's discretion. He stated they have gone up to five.

Councilman Slattery stated so this project could go forward without coming to this Board asking for the rezoning. Supervisor Hendershott stated that is correct if they wanted to go the conditional use permit. Councilman Slattery stated currently then they would just have to go through that process as other businesses have done in the past. Supervisor Hendershott stated that was correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Jerry Brixner - 14 Hartom Road
Mr. Brixner stated this is indicated as the former Bausch & Lomb property. He asked will there be new development made, or will the existing building be used. Supervisor Hendershott stated what they have done is they have come in and purchased the property in its totality, and he believes that they are renting out space in the former Bausch & Lomb because Bausch & Lomb doesn't have any or has limited uses in there, and they're also developing the surrounding property.

Mr. Brixner asked approximately how many acres would be outside of the Bausch & Lomb building. Mr. Valentine stated the total property is 86 acres. He stated not all of that is to be developed. He stated he believes the new road industrial park is approximately 30 some odd acres. He stated it is the intent of the owners to obviously occupy the Bausch & Lomb building. He stated they do own that. He stated obviously they want tenants in there to reoccupy the space and break it up.

Mr. Valentine stated also as part of that there are new limitations of older buildings. He stated some of the clients can't fit into that building due to clearance heights and some of the restrictions with an older building. He stated that is why the other property would be developed around it. He stated but they also want to inhabit the Bausch & Lomb building also.

Mr. Brixner stated it sure would be great to see that area filled with industrial capacity.

Ben Sarfaty - 518 Paul Road
He stated due to medical reasons, he would have Ramona Alessi speak for him.

Ramona Alessi- 518 Paul Road
Ms. Alessi stated some of the concerns that they have she would like to point out to the Board, even though this is pretty much a done deal. She stated they don't understand why they had to build at the front of the road. She asked why couldn't they have a setback like the other building was.

Ms. Alessi stated secondly, they are concerned about the increased heavy industrial traffic is going to be utilizing that road where they have several housing developments with many small children. She stated they see families go by on bicycles along with semis roaring down the road. She stated she was not sure exactly what they're going to be distributing and warehousing. She stated if it is of a chemical nature, they are concerned about the groundwater contamination in case of a spill. Ms. Alessi stated they realize that Bausch & Lomb had a lot of years there where they did the same thing, but they seek to try and arrest this before it becomes a problem, if it is indeed a problem.

Ms. Alessi asked what, if anything, the Town is going to do about the road and traffic situation for the people that live along that road that have enjoyed residential living all these many years.

Supervisor Hendershott asked did the Planning Board discuss, as far as this project, what would be in that building. Don Faso stated they did. Mr. LeFrois stated he is one of the owners of the project. He stated they are trying to do several things. He stated they are trying to redevelop the existing building. He stated at one point Bausch & Lomb had about 3,000 cars there or traffic. He stated from a practical standpoint, they will never come close to that level.

Mr. LeFrois stated one of the problems that they have, inherent problems they have with the existing building is the lower ceiling. He stated they do have a demand out there for something with higher ceilings, and that is why they are constructing the new building.

Mr. LeFrois stated their goal is to make this a first class industrial park. He stated overtime, they plan on renovating the existing building to bring it up to current standards, and they will be very good neighbors. He stated the current building that they are doing, they have done a lot of screening. He stated they are going to have big berms that will hide everything they can, to the best of their ability, to be good neighbors.

Supervisor Hendershott asked the setback on that building, is that closer to the road than the existing building. Don Faso stated yes, but it is within code. Supervisor Hendershott asked how much is the setback. Don Faso stated he did not have the site plan. Mr. LeFrois stated he would say it is about the same. He stated it is further forward than the Bausch & Lomb building, but about in line with the Marines.

Supervisor Hendershott stated obviously there can't be any heavy industrial. Mr. LeFrois stated they are looking at light uses.

Supervisor Hendershott stated regarding the traffic, they have had some discussions with New York State on the highway over the years, as to some kind of a traffic solution down there, and as of yet, they have not really come forth with anything substantial.

Ms. Alessi asked what exactly are they going to be warehousing and distributing. Mr. LeFrois stated the current tenant they have is a company called Curbell Plastics. He stated for all intents and purposes, it is an industrial type lumber company, except instead of a sheet of plywood, they would have a sheet of plastic they would sell to tool and die shops.

Mr.Sarafaty asked is there going to be any manufacturing done there. Mr. LeFrois stated there will be a minimal amount of manufacturing there.

Bernice Wilcox - Stuart Road
Mrs. Wilcox stated she just wanted to comment that she believes that the County and State are swapping roads, Ballantyne Road for Paul Road so that it will become a County road. Supervisor Hendershott stated that is what is being talked about, but it has not happened yet. He stated hopefully it will happen, because he finds working with Monroe County D.O.T. much easier than working with New York State D.O.T. He stated so that would be a good thing for that area if the County takes over the road.

George Bartnett
Mr. Bartnett stated he was concerned since plastic was mentioned, is this going to be a plastics manufacturing facility and are there any inherent problems that might arise from emissions. He asked are there going to be stacks constructed to relieve those emissions.

Supervisor Hendershott stated Mr. Glazer, one of the other owners, was now also in attendance. Mr. Glazer stated there would be no manufacturing going on but fabrication. He stated they will take 4 x 8 sheets and custom cut them to industrial sizes, maybe strips, maybe circles, maybe squares. He stated that is the only type of fabrication or manufacturing that will occur there. He stated it is really office and distribution, 90 percent of the space.

Ms. Alessi stated she would just like to say when they talked about cars in the parking lot, she wasn't talking about car traffic. She stated she was talking about semi and tractor-trailer traffic.

Mr. Brixner asked if they would have any buildings closer to Paul Road than what they have now in that area. Supervisor Hendershott stated he thought the answer was is that the building that they are talking about this evening, is slightly closer to Paul Road than what the Bausch & Lomb building is, but either the same or less than the building next to that which is the Marine Armory.

Mr. Brixner asked where does the parking take place. Mr. LeFrois stated there is some parking in the front and parking on the side. Mr. Brixner asked if there is some front parking. Mr. LeFrois stated there is. He stated he is pretty sure there are two buildings to the east of them that have parking in the front.

Mr. Brixner asked if they have one cut into Paul Road for the facility. Mr. LeFrois stated they are constructing a new road that they will call Aviation Avenue that will service this park, so there will only be one access out. He stated in other words, when one pulls out of this building, they will pull on the new Aviation Drive and pull out. He stated the road is about where the

existing driveway was, maybe within 20 feet.

Councilman Slattery stated they spoke in regards to the road that will be going back to Aviation. He asked will that be a cul-de-sac. Mr. LeFrois stated it will. Councilman Slattery asked the existing Bausch & Lomb building with the parking lot that is there now, will there be any entrance in the back of there. Mr. LeFrois stated there is an existing loop road. He stated they are going to maintain that loop road currently, so the tenants will be able to use both sides for entrance, but the current tenants they have, most of them are on the east side of the building, so he would presume the Aviation Avenue would be there for further access point.

Councilman Slattery stated one other comment brought up was in regard to sidewalks with pedestrians. He asked are there sidewalks proposed along the parallel haul road in front of this property. Councilman Slattery asked are there any road improvements going to take place on Paul Road. Mr. LeFrois stated they are doing some work at the entrance to build up a shoulder. He stated the State has reviewed the whole plans and there is a little laundry list of things they have to do out there.

Councilman Slattery stated he was sure the Conservation Board has also reviewed this, and they have come up with a landscaping plan and so forth. Mr. LeFrois indicated a plan was submitted. Mr. LeFrois stated there has been about $29,000 spent on landscaping for the first building.

Councilwoman Sperr stated it sounds to her from everything she has heard tonight they will be enhancing the structure, and had they not purchased the structure, it could continue to decline. She stated so it is a pleasure to hear what their plans are tonight.

The Public Hearing was closed at 6:27 p.m.

The following additional comment was made after the Public Hearing had been initially closed.

John Phillips - 1 White Oak Bend
Mr. Phillips stated he was not involved in an accident but he was witness to an accident and he had to stay. He apologized for any inconvenience.

Mr. Phillips stated he wanted to speak to Public Hearing Number 3. Mr. Phillips stated he is the President of the Homeowners' Association of Wellington. He stated he was just given notice about a week ago of the rezoning of 465 Paul Road.

Mr. Phillips stated only a few people in Wellington were given notice of this because of their proximity to the rezoning of this property. He stated when in actuality, everybody in the development of Wellington should have been given notice of this, because the property that is closest to it being rezoned is common area for the Wellington Homeowners' Association. He stated he does not think that proper notice was given to the 225 homes in his community that represent in excess of $1 million of tax dollars to the Town of Chili. He stated it would be nice if they were notified so that they could talk about this issue in greater detail at their next meeting.

Mr. Phillips stated there are some serious concerns about rezoning this to the ADATOD

District and he thought his community deserves an opportunity to be heard and participate in this forum.

Supervisor Hendershott suggested Mr. Phillips talk to Daniel Kress, the Director of Planning, Zoning and Development. Supervisor Hendershott asked Daniel Kress to take Mr. Phillips out of the room and kind of go over what was covered at the public hearing.

Supervisor Hendershott stated he thought it was a clerical error regarding the notices.

NEXT MEETING:
Town Board - 6:00 p.m. Wednesday, August 13, 2003 at the Town Hall

The meeting was adjourned at 7:30 p.m.