

CHILI TOWN BOARD  
December 13, 2017

A meeting of the Chili Town Board was held on December 13, 2017 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

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

ALSO PRESENT: Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Virginia Ignatowski, Town Clerk; Daniel Knapp, Director of Finance; David Lindsay, Commissioner of Public Works/Highway Superintendent; Councilman Slattery, Deputy Town Supervisor; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Virginia Ignatowski.

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

SUPERVISOR DUNNING: Prior to each Public Hearing I will talk about what the project is and what the incentive zoning is for that project. The first Public Hearing is the incentive zoning for the University of Rochester. This particular incentive zoning project, proposal is a continuation of a project that the University of Rochester has had over on Scottsville Road, the former location for the Logan's Party House. It became a parking lot. The Town of Chili doesn't have a -- our code doesn't include stand-alone parking lots. So in order for the University of Rochester to acquire that property and use it as a parking lot, they had to do what is called incentive zoning. They provide the Town some type of amenity or amenities and get relief from a code or in this case, this added to -- it wasn't even added to our code, but the permission to go ahead and build a parking lot on this site based on the incentive that the Town Board approves.

In the particular case of the University of Rochester, their initial incentives included some road improvements and other things that happened in the Scottsville Road area. Now this was ten years ago. So they have already been on the site for ten years. They wish to extend this out initially another five years. And also, a cash payment to the Town of Chili which we put into right now -- right now put into our sidewalk fund. That cash amenity amounts to \$33,000 a year. This particular proposal is for \$33,000 for the year 2018 with a two percent escalator every year thereafter. So this Board is going to hear from the public tonight their opinions, their views on -- on this particular incentive.

I will also let you know on both applications and any Public Hearing here we have here in the Town of Chili we take your opinions -- your opinions and concerns very seriously. We will not be voting on either one of these applications tonight to either approve or disprove the incentives. We will take into consideration everything -- anything and everything we hear from the public hearing this evening on any of those applications and consider voting on it at a future date. The earliest future date we would be voting perhaps on some of these applications I would say -- at least perhaps could be as far out as the January 17th or later meeting for the applications for incentive zoning, whether or not we would approve it or not.

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PUBLIC HEARING.

A Public Hearing was held by the Chili Town Board on December 13, 2017 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:05 p.m. to discuss Incentive Zoning for 1420 Scottsville Road "University of Rochester."

Attendance as previously noted in the 12/13/17 Chili Town Board meeting minutes.

SUPERVISOR DUNNING: So with that, I'm going to open the Public Hearing. This is for the incentive zoning for 1420 Scottsville Road, University of Rochester.

Is there anyone that would like to speak at the Public Hearing? If so, please step forward and state your name and address for the record. You will be heard.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

SUPERVISOR DUNNING: There is no one. Seeing no one, I will close the Public Hearing on that application.

The Public Hearing was closed at 7:05 p.m.

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SUPERVISOR DUNNING: On Incentive Zoning for 219, 223, 225, 227, 229 Golden Road & 29, 31 Stone Barn Road. Which I assume most of you are here to hear tonight, the incentive here, just want to be clear on what they're looking for. We are not rezoning -- in the purest sense rezoning the property from its existing R-1-15 zone. An incentive zone allows -- in this case the applicant has asked for some relief from our codes for things like the density, the amount of -- how close together buildings can be, setbacks from other locations, changes to the building height and limitations and there is a couple other things here. Changes in density requirements, including both residential and nonresidential use. Changes in lot coverages. Changes in lot dimension and setback requirements. Changes in building height, limitations and floor requirements and that -- and that, in essence, is what they're asking for here.

It should be clear or it should be made clear anyways that with 53 acres, approximately 53 acres, this -- this applicant under the current code today, without incentive zoning or anything else, could build easily 53 or more homes on this site. Because it's -- R-1-15 is a -- allows for 15,000 square foot properties, so they could probably easily build 100 homes or more on this site without -- with only having to come to Planning Board for site plan.

This Board is not -- not the authority on the particulars of the site plan. There is no site plan at this point in time. We are not the Board that is going to determine how these buildings are going to look, how they are going to be built, if they're going to happen. We're not the Board that will determine that.

This Board is only going to determine at some point whether or not the incentives they're offering, which is \$1,000 per unit built, that would come back to the Town and the Town Board would determine where that money goes for the Town from relief for those specific things which I mentioned to you previously. We have nothing else to do with this application. Should it move forward, it would go to the Planning Board and they -- the Planning Board and/or Zoning Board, if necessary. So those Boards would be the authorities on how something is built and how the site is built out.

With that, before I open the Public Hearing I don't know if you have anything else.

COUNCILWOMAN SPERR: I would just mention to people there are open seats up here. Feel free to come on in and sit down. There are open seats you probably can't see from back there.

COUNCILMAN SLATTERY: The only thing I would just reiterate, the way the current zoning is now, they could build what they're proposing there. So I just want to stress that, that they could build that. Just so everybody is clear on that.

Supervisor, go ahead.

SUPERVISOR DUNNING: We will open the Public Hearing here in a moment, which we will then have a dialogue with -- we do during the Public Hearings. Again, please, if you would like to speak, come up to the podium, state your name and address. We will listen to people one at a time and hopefully we'll get to everybody that wants to speak tonight and be heard.

COUNCILMAN SLATTERY: As Supervisor just mentioned, raise your hand and he will call on you instead of 20 people trying to barge up to podium at one time.

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## PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 13, 2017 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:06 p.m. to discuss Incentive Zoning for 219, 223, 225, 227, 229 Golden Road & 29, 31 Stone Barn Road.

Attendance as previously noted in the 12/13/17 Chili Town Board meeting.

SUPERVISOR DUNNING: I will open the Public Hearing at this time. Anyone would like to be heard on this application, please step to the podium, state your name and address for the record and you will be heard. Anyone like to speak?

### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JOHN ZAMPATORI, Golden Road

MR. ZAMPATORI: Hi. Good evening. My name is John Zampatori. I'm a resident of the Golden Road tract. I have lived there for over 21 years. I lived there with my family. I just wanted to voice my objection to the rezoning from R-1 to incentive zoning associated with Mr. Battisti's proposal for Golden Road.

Just a question. At this proceeding, is it appropriate to talk about the project that's being built or just the rezoning?

SUPERVISOR DUNNING: This -- we are here for a Public Hearing for the incentive zoning. Which is -- which is the amenities -- is the amenity -- basically this Board has to decide whether the amenity is appropriate for the relief they're looking for. The project in and of itself, whether it's single-family homes or apartments at this point has nothing to do with this particular Board.

MS. ZAMPATORI: Okay. Then I would like to express my concerns with granting incentive zoning to the property where an environmental cleanup is yet to be completed. I believe this property has issues with solid waste disposal and may or may not cause a risk to

public residents' health. If no soil management contamination plans or wetland permit or approval of the Army Corps of Engineers has been obtained, I believe it's premature to issue any change in property zoning at this time. It is my understanding that Mr. Battisti would like to apply for the Brownfield Cleanup Program under this zoning proposal. It is also my understanding that Mr. Battisti is offering to pay the unknown amount for the cleanup to the property as a requested tax credit to be given to the Town until reimbursement is complete.

I object to using my Town taxes to pay for cleanup on private property that will benefit Mr. Battisti's project and cause nothing but annoyance and financial loss to the rest of the neighborhood.

I would like to say a rezoning change will cause my family to relocate from Chili and seek housing elsewhere. I would request that the Town Board deny Mr. Battisti's rezoning proposal, and I request that the Town do what's right for the taxpayers of Golden Road tract and deny this application. If this application is granted, the Town of Chili Zoning Board I feel would fail to protect its residents.

Thank you.

SUPERVISOR DUNNING: Thank you. And just for point of clarity, I know nothing about any tax relief or tax incentives. That has not been brought to the Town.

MR. ZAMPATORI: I thought that was at the last meeting. I saw them talk about it. I watched it on the YouTube channel.

SUPERVISOR DUNNING: Talk about what?

MR. ZAMPATORI: Incentives -- maybe he paying to clean up -- Mr. Battisti paying to clean up this property.

SUPERVISOR DUNNING: On this particular -- I don't --

MR. ZAMPATORI: The Brownfield Cleanup Act.

SUPERVISOR DUNNING: He may be able to apply for something through the federal government or State government for Brownfield Cleanup or County. I'm not aware of that. There is nothing he can do on the Town level that your Town taxes would pay for. We do not offer any programs like that. We -- we also would not approve anything like that that would include a tax incentive with so little return on this thing. So there is no Town tax incentive being offered.

MR. ZAMPATORI: Thank you. I just want to voice my disapproval of the project.

SUPERVISOR DUNNING: Thank you. Appreciate that.

STEPHEN SICKLES, 34 Weatherwood Lane

MR. SICKLES: Good evening. My name is Stephen Sickles. I live at 34 Weatherwood Lane. I, too, am a member of that tract off of Golden Road by Stone Barn. I want to echo the previous speaker's sentiments. He has taken a lot of the words out of my mouth. I, too, am very concerned about the environmental effect it will have.

It was well known this was a dumping ground for chemicals. The health risks that are -- that are at play are tremendous. There is a number of young families, myself included, who have kids under the age of ten in that neighborhood and if there is contaminants in the ground, when they are dug up, when they're trying to do this project, it could have a serious potential harm.

I have started a petition. I have signatures, going door to door. I would like to leave that one. At the top there is also a web address for an online petition that right now currently at last check was just over 135 signatures on it. A lot of people have expressed the same concerns I have. As -- I have lived in Chili -- I grew up in Chili, came back here because of it being a small Town wanting to raise a family here. We, too, will move out of this neighborhood if this zoning is passed, if there is an environmental effect that could harm my six-year-old son and the decreased property values if the project goes through. Okay?

SUPERVISOR DUNNING: Thank you.

Just on that -- on the environmental issues, those are things that would be monitored by the State, any environmental cleanup at that location, just as there is with any brownfield or any contaminated sites -- that there have been a couple here in Chili that have been worked on and quite frankly they're very viable and productive sites. I don't disagree with you. I understand your caution and concern, but I also trust that the people with the environmental agencies that monitor this area do a very good job and are not very lenient when things aren't done right.

COUNCILMAN SLATTERY: And, Supervisor, if I can, the State has also been involved with this for quite a period of time. This has come up in the past. So I know the State has been monitoring this.

AMY KENDALL

MS. KENDALL: Good evening. Can you hear me okay? My name is Amy Kendall. I'm an attorney with Knauf Shaw. We are environmental attorneys and I am here in that capacity representing Ignazio Battisti and 221 Golden Road, LLC. I'm here with Mr. Battisti and Joseph Ardieta of Vanguard Engineering who can provide some additional information if you would like to request any information about it actually.

So the applicants are seeking incentives for the Town Board for the proposed project which includes the seven tax parcels that you mentioned previously along Golden and Stone Barn Roads. The total acreage for those parcels is 53.41.

For the benefit of the members of the public that have not been at the two prior Town Board meetings or the Public Hearing before the Planning Board on the proposed projects, I just want to provide, if you will indulge me, a little bit of background for the project.

Several of the properties were previously listed on the State Superfund site registry. This means that they contained environmental contamination. The environmental testing was done in the '90s and it was determined that while there was solid waste disposed on the site, there was not hazardous waste disposed on the site. That's a legal definition. It is sort of parsing of words, but basically the properties were taken off the State Superfund list, so that is positive. But there is still contamination on the property. The development of the properties has been hampered by that contamination.

COUNCILMAN SLATTERY: Excuse me, Amy (Kendall), if I could, on the one point you mentioned, you said it was taken off the list.

COUNCILWOMAN SPERR: Off Superfund?

MS. KENDALL: It was taken off the Superfund list.

COUNCILMAN SLATTERY: When was it done?

MS. KENDALL: I believe 1996. I will mention, too, at this point that the Town's Comprehensive Plan does identify this site as one of the contaminated properties and it does make mention of the Town's priority in cleaning up contaminated sites.

And previously the Monroe County Health Department had advised that a Soil Management Plan would be needed for single-family homes, and that would mean in the context of a single-family residential development, it means like -- I'm a single-family homeowner in the Town of Chili. I would not be able to plant a garden. I would not be able to do the normal types of digging that you would do in the context of -- of owning a home. And for that reason, um, you know, the -- the State since that time, since the Monroe County Health Department made that determination, the State Legislature passed the Brownfield Cleanup Program. That program is designed to make previously contaminated sites more productive, to put them back into active use, to increase tax base for municipalities and to assist developers who want to, you know, move forward on projects but are really hampered by contamination.

So with that, the State has a developed soil cleanup objectives for different types of uses. So if you have a daycare center, you have to clean to a much more stringent standard. That is intuitive. But, on the other hand, if you own an industrial property and the use is industrial, the cleanup standard is not as extensive. Okay.

For single-family homes, the cleanup requirement is very extensive. So what that means, if we were to clean up this property to a single-family home standard, it would mean a massive cleanup, and as the -- the members of the public just indicated, that would be really disruptive for people in the area. It means a lot of trucks. It means a lot of digging. You know, this is -- this particular contamination isn't one that flows through the ground or readily becomes airborne, so it's not a situation where it would be impacted.

COUNCILWOMAN SPERR: Can I interrupt you for a minute? Is there a report that states that?

MS. KENDALL: The type of contamination?

COUNCILWOMAN SPERR: Yes.

MS. KENDALL: Yes, there is.

COUNCILWOMAN SPERR: That contamination would not become airborne during cleanup?

MS. KENDALL: That gets us to the next step. So we would like to apply to the Brownfield Cleanup Program. That's a program monitored by the Department of Environmental Conservation and the Department of Health, the Monroe County Department of Health and State Department of Health.

What that does is it first -- you know, you look, you investigate the property. This is the process generally. You have to investigate the property to determine what the contaminants are and then you propose a remedy that may include some level of digging. It may include capping. It depends on your end use, which is why we're here this evening. Because we want to determine what the end use is going to be with the least amount of disruption associated with the cleanup.

COUNCILMAN BROWN: When you say "you" investigate the property, who is "you"?

MS. KENDALL: Well, we would make the application as the law firm. We would hire engineers that would develop a remedial investigation plan and there are companies that go and dig the -- dig the soil samples, take the soil samples and groundwater samples. And we have some of that. You have to have some of that done already to in order to get into the program, but the investigation would be more extensive. It -- you know, if we are able to get into the Brownfield Cleanup Program. And frankly with a single-family home development, it's unlikely that that will be possible.

So the end goal of the Brownfield Cleanup Program is not only does the site get cleaned up and redeveloped, um, but it also -- you know, there's protections into the future. So there is easements on the property and so on and so forth to protect residents. So that is why we're proposing to basically resubdivide the properties into one lot, so it can be managed by one owner. We're proposing to put a deed restriction on approximately 30 acres of the property that would allow it to be -- that would prevent future development on that property, and then -- you already mentioned the cash incentive.

So the incentives specifically are the construction of townhomes and that's a zoning law 500-13(B)(1), a change in density to allow for the construction of up to 52 townhomes on this one larger lot. And that is 500-13(B)(1) and (D)1. And a slight rear setback reduction from 40 feet to 36.5 feet on the building that is proposed closest to Golden Road as shown on the plans that we previously provided. So it's those three things.

And, you know, as you mentioned, this is the first step in a very long process. This is --

this is basically trying to understand from the Town are we going to be able to move into the Brownfield Cleanup Program so we can make this site more protective. That is what my firm does, is try to get these sites cleaned up and reused.

So after the Brownfield Cleanup Program or in connection with the Brownfield Cleanup Program there is still subdivision, there is still site plan review. I can't see of a Zoning Board issue, but that doesn't mean that there wouldn't be. So thank you for your time and attention.

SUPERVISOR DUNNING: Thank you. Thank you, Amy (Kendall).

COUNCILWOMAN SPERR: But setback variances are zoning.

SUPERVISOR DUNNING: That's part of this.

COUNCILWOMAN SPERR: Oh.

SUPERVISOR DUNNING: That's part of the incentive.

MS. KENDALL: Just the one setback.

SUPERVISOR DUNNING: That is part of this -- the incentive.

MS. KENDALL: Any other questions?

SUPERVISOR DUNNING: No, you're good.

BILL MRUK, 19 Stone Barn Road

MR. MRUK: My name is Bill Mruk, 19 Stone Barn Road and I was wondering, you're saying you can't have individual --

SUPERVISOR DUNNING: Sir, you can address the Board. If we have questions for Amy (Kendall), we will --

MR. MRUK: I don't understand where she is saying that we can't have individual homes, but we can have these multiple dwellings. You still have people living there. Why is it not okay to have an individual home where people could be digging, what have you, in the backyard, where if you have these multiple dwellings, it's okay to have those places built?

SUPERVISOR DUNNING: It's my understanding -- and please correct me if I am wrong, it's my understanding as part of the original sketch plans that they gave to the Town, is that parking areas, driveways and roads would be on top of those areas where gardens wouldn't be dug, because you're not going to dig --

MR. MRUK: That's where the contamination is?

SUPERVISOR DUNNING: So the contamination would be any contamination that may remain or any area that would be at risk -- in any form would be underneath a hard surface, such as a driveway or the roadways or a parking lot.

Am I correct in that, Amy (Kendall)?

MS. KENDALL: That's -- that is correct. Um, I would just add that the -- the townhomes that are proposed would be rentals and when you're renting, you can control what happens on the property itself.

SUPERVISOR DUNNING: Thank you.

MICHAEL O'DONNELL, 22 Stone Barn Road

MR. O'DONNELL: My name is Michael O'Donnell, 22 Stone Barn Road.

COUNCILWOMAN SPERR: Could you say that again?

MR. O'DONNELL: Mike O'Donnell, 22 Stone Barn Road. I have lived in Chili my whole life, since I was four years old. I'm 54. I know I don't look that old. I, too, have kind of a concern that Mr. Mruk said, similar thing, it sounded like there is a couple things that I wanted to clarify in my own mind.

It's okay to have townhouses but not single-family dwellings. You just kind of expounded on that that they will put tar over the contaminated stuff or whatever and this and that.

But when we started this meeting, Mr. Slattery said he has 54 acres and he could build houses there if he wanted to no matter what.

COUNCILMAN SLATTERY: Not exactly what I said, but close to it. Go with it.

MR. O'DONNELL: Pretty close. I'm not good at a lot of things, but I can hear. Basically, you said he could build houses there and what his lawyer said was they probably wouldn't be able to get it passed with the contamination; correct?

COUNCILMAN SLATTERY: That is correct. That's correct.

SUPERVISOR DUNNING: The point made, because I mentioned it before Councilman Slattery did, I mentioned it on my opening, the point of that is you are free to understand that the zone in and of itself, the R-1 zone it is in, would allow by code more houses, probably over 100 houses because R-1-15 is required to have a 15,000 square foot minimum lot. The lot size.

So if you take 53 acres and break it up into 15,000 square foot lots, you have a whole lot of houses you could build back there. That was the only point, that the zone itself is not changing. The R-1-15 is not -- they're going to subdivide this out and make this one lot.

COUNCILMAN SLATTERY: That is what I was referring to.

SUPERVISOR DUNNING: We're trying to understand --

COUNCILMAN SLATTERY: And what you heard, what she said was they would have to do extensive cleanup if they wanted to get to that point. So I wasn't stating, oh, yeah, let's go for it. What I was stating just want to make sure, make you aware what the Supervisor said in regards to the incentive and then how it was already zoned and then what it is going to.

MR. O'DONNELL: I have talked with some of my neighbors and I'm not trying to speak for anybody else, but obviously we have a prideful neighborhood. We try to keep our houses in nice shape. We try to take care of each other, watch each other's stuff. Rental property, some

things are good, some things are bad. The \$1,000 per lot or per building for you guys to get it to be able to do what you want with that, that's a pie sweetener, you know. It is what it is.

Basically our concern is for our families' health, safety. The amount of money that we have all invested in our homes, property, keeping the same values and not losing anything. And if anybody is very familiar with that area, if somebody is going to build a \$250,000 house that close to the railroad tracks, good luck selling that house. Right, wrong or indifferent, I think you should take a hard, long look at this.

SUPERVISOR DUNNING: Thank you. And we will.

PAT MARTINEZ, 23 Stone Barn Road

MS. MARTINEZ: My name is Pat Martinez. I live at 23 Stone Barn Road and I think what we're hearing here is a lot of what we call NIMBY, Not In My Backyard and that is my concern, is that these things are literally going to be built in my backyard, because I back up to this property.

And like Mike (O'Donnell) said, if these townhomes are constructed, I can guarantee that they're not going to be constructed near the railroad tracks, which means they're going to be literally across the fence from me. And I'm concerned about my property value. I -- I -- rental property is typically for people who can't afford a home. They have lower income than people who have a home and I'm not -- I'm saying I researched this. I did some studies and when you put lower income housing in an area like ours, it -- all it does is move the low income. And it decreases property values and it increases crime.

Now, it's typically personal property crime, not violent crime, but I think that we're all very concerned about the fact that our -- our neighborhood that we have all lived in for 25 and 30 years, and we have invested our entire lives into these houses, we don't want it to become yet another tired, broken down Kodak remnant of a place that used to be grand.

Thank you.

SUPERVISOR DUNNING: Thank you. I -- I just would like to say in relation to low or lower income and the price of the townhouses, we have several projects, townhouse projects and apartments that -- that charge well more than my particular mortgage is right now and I live in a very nice neighborhood like you do in the Town of Chili, and those -- the -- the costs of rentals far exceed what my mortgage is. I don't think, and -- it would be unfair for me, as I make judgment on this particular application, to segregate out people who live in apartments versus people who live in houses as of lesser means or --

MS. MARTINEZ: Under normal circumstances that would be right, sir, because most of the townhouses you're talking about won't be built right on top of railroad tracks.

SUPERVISOR DUNNING: Actually, they are. Actually, they are. So -- but that is okay. I understand. Thank you for your comments.

DAWN HOLFORD, 239 Golden Road

MS. HOLFORD: Hi. My name is Dawn Holford and I live at 239 Golden Road. I was also born and raised in Chili. I raised my children where I live. I am now raising grandchildren where I live. We have owned our home over 30 years, close to 40 years as a matter of fact. I have watched generations come and go in a wonderful, beautiful neighborhood.

These townhouses go in, we're not going to have a beautiful neighborhood any more. Number one, I also was an ex-Fitzsimons. I was Howard's daughter-in-law for quite a few years. I know about the cleanups on Golden Road. I know what was dumped there. They already have had one cleanup they charged him and said it was cleaned up.

Then a few years we had to be watching again trucks going down the street, more cleanup. The property is damaged. It's never going to be cleaned up. I don't care if you put pavement over a driveway or not. Pavement deteriorates. Water pipes have leaks, okay?

Not to mention, like this woman over here said, we're going to get rifferaff. You don't live where we live. So it is easy for you to say townhouses are wonderful and the class of people or whatever. We maintain our homes. People who rent do not maintain their homes. It is a fact. Okay? Our property values are going to go down.

We'll have to deal with burglary. We have never had one theft in our neighborhood the whole entire time I lived there. We already had problems with the people that rent when my father-in-law used to own that house that has been in that family over 100 years. With their ATVs, their noise, their running up and down the street, their casing the place, the noise on the railroad tracks. The Conrail is constantly down there all of the time because they're on Conrail's property.

So like everyone else here, I totally object to it and unless you live on Golden Road or Stone Barn where these things will go up, you don't have any right to say anything as far as I'm concerned and that is all I got to say.

SUPERVISOR DUNNING: Thank you.

CORY FISHER, Golden Road

MR. FISHER: Hi. My name is Cory Fisher. I have lived on Golden Road since I was two years old. I just had a question concerning regulations. If you own a house or property on that lot, do they have to let know about the contamination versus rental people, like they don't have to tell them? I'm just curious how that works.

SUPERVISOR DUNNING: Mr. Stowe?

COUNCILWOMAN SPERR: Do you know?

MR. FISHER: If I were to buy a house there, would I have to be informed by the Town, look, there --

SUPERVISOR DUNNING: A house on the property where this development is going to go?

MR. FISHER: If it were to be houses instead, is that a difference in regulation?

SUPERVISOR DUNNING: Amy (Kendall), do you know that?

MS. KENDALL: Um, I was told to come to the mike if I wanted to talk again.

SUPERVISOR DUNNING: Yes.

MS. KENDALL: So at the present moment, there is a deed restriction on the property indicating that it previously was on the Superfund -- a Superfund site that is no longer the case.

With respect to a future rental situation, um, we're hoping to clean up the property so that it is below the soil cleanup standards and is acceptable. The -- the property records would be available, though, to the public.

SUPERVISOR DUNNING: Would that be -- I think the gentleman's question was would there be disclosure at the time of sale? Am I correct?

MR. FISHER: Yes, that's correct.

COUNCILMAN SLATTERY: Time of rental.

SUPERVISOR DUNNING: Time of rental.

COUNCILWOMAN SPERR: Signing of the lease.

MS. KENDALL: There should be no need to because it should be cleaned up and acceptable.

COUNCILMAN SLATTERY: But if it -- just a general question.

COUNCILWOMAN SPERR: That's not answering the question.

MS. KENDALL: Frankly it has been many years and I will say I have rented many apartments in my life, um, and I'm not a different person now than I was at the time when I rented the apartments. So I'm -- so I'm not agreeing with that distinction that has been made here tonight.

Regardless, um, there are a lot of these on -- on a lot of apartment complexes that are going in on different brownfield sites across the state. To my knowledge there is not a requirement that a landlord identify it as a brownfield site, but those are public records. They will be available at the Town of Chili Library. They will also be available on the Monroe County Clerk's website.

SUPERVISOR DUNNING: So the answer is technically no unless you're smart enough to go ahead and investigate that.

COUNCILMAN SLATTERY: The cliff note version.

SUPERVISOR DUNNING: Is that the short answer?

MS. KENDALL: The short answer is it's going to be cleaned up if we get into the program.

SUPERVISOR DUNNING: Thank you, Amy (Kendall).

COUNCILWOMAN SPERR: Amy (Kendall), while you're there, can I ask you a question?

SUPERVISOR DUNNING: Sorry.

COUNCILWOMAN SPERR: Because he asked that question, it makes another question for me. You're talking about townhome rentals.

Is there -- was this considered that they would build condominiums, that they would be bought individually in place of single-family homes instead of having renters?

SUPERVISOR DUNNING: I can answer that for you. No.

COUNCILWOMAN SPERR: Okay.

SUPERVISOR DUNNING: We haven't permitted a condominium in the Town of Chili.

COUNCILWOMAN SPERR: Call them purchased townhomes or rented townhomes.

Pick one way.

MS. KENDALL: That would require another whole separate HOA process that I'm sure you're aware of. But that's not what we're doing, no.

COUNCILWOMAN SPERR: But the concern of the audience tonight, the main concern of the audience tonight is not just the townhomes factor, but it is the contamination and the townhomes. So that is why I'm asking that, if you're saying townhomes because you can get around the Superfund or the clean-up process that will allow to you get townhomes in versus single-family homes. That's what it sounds like you're trying to say.

MS. KENDALL: We're not trying to get around any clean-up process. I want to be very, very clear about that. We're going to comply with whatever it is that the Department of Environmental Conservation -- if we're able to get into the program -- requires for this property. And at this point, we don't know what is still there. We haven't done the investigation. We do know that there is still contamination there, such that if we were to dig it all up in order to put single-family homes in, it would cause a great disturbance to the neighborhood. But that's what is permitted there now. So that's why we're here.

SUPERVISOR DUNNING: Thank you, Amy (Kendall).

Mr. Fisher, do you have any other --

MR. FISHER: I just wanted clarification on that. So somebody renting in the future I would be curious about how the regulation exists and whether or not there is a difference between the two. That's all.

SUPERVISOR DUNNING: Thank you.

RICHARD STOWE: Can I just put one pin in that?

SUPERVISOR DUNNING: Please.

RICHARD STOWE: Your first question was is there a difference between what you know when you buy the home versus if you were going to go rent.

MR. FISHER: Right.

RICHARD STOWE: Ms. Kendall correctly said that there was a deed restriction put on the property. So in the public record, there was a notation that this site was once on the Superfund list.

MR. FISHER: Yes.

RICHARD STOWE: If you were to go buy a home in that area, you would get an abstract of title. The abstract of title would show the summary of all of the deeds that were recorded and the fact that it was once on a Superfund list.

Today it would also show that it has been removed from the Superfund list, correct?

MS. KENDALL: Yes.

RICHARD STOWE: So that a single-family owner would know some of the history that was recorded at the County Clerk's Office, going through the process of reviewing the title with his or her legal counsel and know some of that information.

My sense is that your real question is is there a duty on behalf the Town or someone else to tell a prospective property owner what's been going on there before and is there a distinction between that duty with a renter or an owner. The answer is no.

MR. FISHER: Thank you, sir.

RICHARD STOWE: There is no duty.

SUPERVISOR DUNNING: Thank you.

KIM ZAMPATORI, 13 Trails End

MS. ZAMPATORI: Hi. I'm Kim Zampatori. I live at 13 Trails End. When we bought our homes, the things that drew us to the Golden Road neighborhood was it was quiet, it had little traffic and a low crime rate. The neighborhood was made of single-family homes and appeared to be a safe neighborhood to raise our children. This incentive rezoning would change our neighborhood and have a negative effect on property values.

According to the American Realtor Association of America, neighborhoods with a higher percentage of rental properties lower the property values compared to the County they're located in by -- excuse me, by 14 percent. In the Golden Road track, there are approximately 100 single-family homes that exist today. Allowing this zoning change could lead to the construction of 52 rental units in our neighborhood. This would result in rental homes becoming over 33 percent of the homes in the Golden Road track. This will, indeed, lower our home values, but, of course, not our property tax assessments, resulting in a burden for homeowners. Our resale values will be greatly affected.

Another negative result and rezoning changes of the property outlined is the addition to vehicular traffic to a small residential area. The average home in our community has at least two vehicles in the driveway. According to the Bureau of Transportation statistics, a home with two drivers has an estimated 2.3 vehicles associated with it. Mr. Battisti's proposal could lead to estimated increase of 119.6 vehicles to our neighborhood. We have small children, kids that play in the streets and that that's a big concern for us.

SUPERVISOR DUNNING: Thank you.

JOHN WOUNDS (phonetic), 36 Weatherwood Lane

MR. WOUNDS: My name is John Wounds. I live at 36 Weatherwood Lane. I have only been there for a little over a year now. I was going to express concern about the traffic, as well. Having driven through the neighborhood in the past year, there are oftentimes I have to drive 15, 20 miles under the speed limit because there are children in the road pretty consistently. But another point I wanted to bring up, there has been a lot of talk about the Brownfield Act, the Cleanup Act. And if we were to approve it -- this incentive zoning before they're accepted into this Cleanup Act, would that change anything if they don't get in and are unable to receive the funds to clean up? So if we were to approve the zoning before they have the funds for the clean up through the Act, what would happen if they don't get in?

SUPERVISOR DUNNING: I believe that the next phase -- if this Board approved the incentive zoning, it would have to go to the Planning Board. The Planning Board would begin a process called SEQR, the State Environmental Quality Review Act. If the project did not pass or cut the mustard with SEQR, it would not move forward. It would have to meet the requirements of SEQR. In this case, the SEQR would be quite intensive on this. This will not be a slam dunk, walk-in, you know, no -- no particular action required. There would be a lot of documentation around this particular SEQR application, so that is where that part of it would be vetted. That would be through the planning process.

MR. WOUNDS: So there will be another limitation if they don't get the funding for Brownfield because that -- it was brought up almost that it's given in a sense even though -- like she said, they're still applying.

SUPERVISOR DUNNING: If it doesn't get cleaned up, it isn't going to go, you know.

MR. WOUNDS: Okay. Thank you.

GERALDO RAMOS, 240 Golden Road

MR. RAMOS: My name is Geraldo Ramos. I live at 240 Golden Road. Like a lot of other people in here, I grew up in Chili. I'm a veteran and I traveled all over the United States and decided to come back here to live because of the way the neighborhood is set up real quiet, real

nice.

Living on 240 Golden, the street there is straight. Those trucks will have to come down that street. No company in the world will make them go in different circles on the other part of the neighborhood. I have a brand new baby son back there. We bought that house even though there is not sidewalks there because we knew there wasn't a ton of traffic. We watched that and went and saw houses around there.

Now there is going to be 10-wheelers, 18-wheelers driving down there full of loads. My concern is my son, we'll try our best as parents, but we can't always be there watching him. So that is why I oppose this project.

SUPERVISOR DUNNING: Thank you. Congratulations and thank you for your service.

JOE ARDIETA, Vanguard Engineering

MR. ARDIETA: Joe Ardieta, Vanguard Engineering, representing the applicant. I just want to discuss regarding the traffic. I looked up the Institute of Transportation -- I looked up the Institute of Transportation Engineers average daily trips for single-family residential subdivision as opposed to the application we have put forward. I just want to state for the record, that a townhouse uses less trips, less cars than a single-family home. So in this case -- it's a fact.

So over the course of this development, if it were -- if it were to be a single-family residential subdivision, there would be on average 85 more trips per day than with the application that we have -- that we have shown thus far.

SUPERVISOR DUNNING: Thank you. This just -- this incentive zoning, again, this -- the amount of vehicles in and out, that is a -- Traffic & Safety which comes then also to Planning Board, so those things will be vetted by the Planning Board. This Board is not the authority and it doesn't have the authority to vet that particular part of the application.

JEFF FISHER

MR. JEFF FISHER: Jeff Fisher, also live at 250 Golden Road. I would just like to say, I realize this isn't the place for talking about traffic, but I live third house from Westside Drive. I lived there 23 years. I can't tell you every day we have cars going down that street 40, 50, 60 miles an hour, okay? It's ridiculous. I don't care how many statistics you are going to tell me about, how many more cars are going to be going up and down the street. I want to know what the Town will do when they build something like that to curb these people driving that fast when I have my neighbors who have little kids in the street all day long.

This summer we stopped three different situations where we stopped people. One kid almost hit a telephone pole hitting his Mustang going sideways down the road and almost took out a telephone pole and himself, by the way. Now we'll allow 119 more cars to go down our street? Because it's a drag strip. Come down there. I ask you to come and sit there sometime and -- and view it because it's ridiculous. Nobody has ever done anything about. I have complained to the Police Department. It's ridiculous and now we're going to add all that more traffic? I'm totally opposed to it.

COUNCILWOMAN SPERR: Jeff (Fisher) --

MR. FISHER: This is very emotional for me, okay?

COUNCILWOMAN SPERR: It's okay.

MR. FISHER: There are kids out in the street playing all day long. We don't need this.

SUPERVISOR DUNNING: Mr. Fisher, we take what you're saying very, very seriously. I hope you understand that.

COUNCILWOMAN SPERR: The reason I called you back up is I am the liaison for our Traffic Safety Committee. There is another member of our Committee sitting in the audience tonight. These issues are discussed and remedies to try to mitigate the problems you're having are attempted and they go through this Committee. So I would be happy to hear more information about what your complaints are and they meet --

MR. JEFF FISHER: Talk about the riffraff that -- at this property that this gentleman owns, they ride their motorcycles and their four-wheelers and trucks up and down the street all day long. I'm getting sick of it. I have a little kid this big (indicating) no helmet on almost run over by a truck in my front yard. I'm sorry. It's emotional.

COUNCILWOMAN SPERR: We're trying to maintain order. What I would like to do is have you come to our Traffic & Safety Committee and present the situation to our members of the Committee. They would really like to help you out. They're great people.

We have a big room. First Thursday of the month. The next will be the first -- whatever the Thursday is in January. 4th. At 7 o'clock at the Highway Department.

COUNCILMAN SLATTERY: While you are standing there, you say you watch the vehicles speed up and down the road --

MR. JEFF FISHER: I stand in my front yard and scream at these people going up and down the street. I got into it with a kid on a Mustang that turned the corner onto Golden Road, hit the hammer, was sideways, almost slammed into a telephone pole while my neighbors' two little kids were out in the front yard.

COUNCILMAN SLATTERY: I understand that.

My question is, because being involved with the Town and hearing -- reading the Traffic Safety reports, there is residents that come into those meetings and they complain about the traffic and speed and so forth and then at the end of the day, the majority of the people that were speeding were some of the residents that live there.

And so I think it is good that your residents, your neighbors are here to hear this for your

frustration for what you're dealing with. Because I lived in a subdivision for X amount of years. Since I lived in the front of it, I had the same thing, people going through the back, they didn't care. They were speeding by. I had twin girls I raised there. It was the same thing.

So it is important for -- for the neighbors to understand that and see the -- the hurt feelings they're causing by some of those actions. So I -- so I understand your compassion and I -- and I agree and understand with you.

MR. JEFF FISHER: I don't understand why people have to turn off Westside Drive, and the minute they get on that street, they have to put the hammer down. It's incredible. It's just frustrating. Add another 119 vehicles to this makes it worse.

COUNCILMAN SLATTERY: I understand.

STEPHANIE, Westside Drive

STEPHANIE: Hi. My name is Stephanie. I don't actually live in your guys' neighborhood, but I do live on Westside Drive and I actually wanted to ask you, you said there would actually be less cars going in the neighborhood?

SUPERVISOR DUNNING: Ma'am, if you can address the Board. If we can't answer the questions --

STEPHANIE: I'm sorry. So he mentioned that there would actually be less cars. So I'm assuming with all of these new apartments going in, how are these people getting around? So I'm wondering if the Town of Ogden and the Town of Chili have looked at as a whole on Westside Drive for everybody who resides off of Westside Drive -- it's very busy in the morning. I'm just wondering if you have collaborated together to figure out with the new development going in on the Ogden side, as well as this proposed development, how are we going to accommodate -- he said there would be less people with their cars, so I'm assuming that means public transportation. Is there -- is there going to be a bus route put in on Westside Drive? Is there sidewalks put on Westside Drive? I'm wondering how we're going to accommodate as an entire community, Ogden and Chili, to make sure it is a safe place for all our neighbors.

SUPERVISOR DUNNING: Westside Drive -- I don't mean to cut you off. Westside Drive is a County Road. The County of Monroe has jurisdiction over sidewalks, traffic control --

COUNCILMAN SLATTERY: Negative.

SUPERVISOR DUNNING: If they put sidewalks, it would be the County --

COUNCILMAN SLATTERY: Monroe County doesn't own any sidewalks. It's a Town responsibility.

SUPERVISOR DUNNING: On a County Road?

COUNCILMAN SLATTERY: That's correct. That's correct.

RICHARD STOWE: Do you want --

SUPERVISOR DUNNING: Okay. So the answer is likely, no, there are no immediate plans for sidewalk. I understood the --

UNIDENTIFIED SPEAKER: You will have 53 grand to do it.

SUPERVISOR DUNNING: That will get you about 25, 30 feet of sidewalk. Let me get back -- and the other question is the Town of Ogden and Town of Chili have not necessarily collaborated on the traffic issues or traffic concerns on Westside Drive from the Town's perspective.

However, I will tell you that when these plans, if this makes it to the Planning Board, that once again, those traffic issues will be vetted by the Planning Board. This project also goes to County Planning, so the County has an opportunity to look at them and also address any concerns.

The applicants -- if it gets to the Planning Board phase, the applicant has to -- typically has to do a traffic impact study which is done by professional people who are very reliable, very good at what they do, have no vested interest in the applicant and no vested interest in the Town or the County necessarily. They're independent operations and they do a very nice job with their studies. So there would be a study that would be going on for traffic impact.

COUNCILMAN SLATTERY: Actually, if you went on Monroe County's website, monroecounty.gov, they do traffic counts periodically for every road -- every County road in Monroe County and you can go online and find that information what is the current level of traffic from the last count they did down Westside Drive.

STEPHANIE: It is concerning to me. I don't know how everybody else feels. There is no sidewalks. I know it's like you said, whatever.

But with all these apartments coming in, I'm not only afraid for people walking their dogs and for kids, but there are drivers. I'm afraid to drive in the dark and if we're bringing in these apartment complexes, I really think that is something that needs to strongly be considered, where are the sidewalks -- how are these new apartments -- I'm a social worker. I'm like all about equal opportunity, everybody having their chance to decent housing and everything, but I want to make sure we're really taking a good look at this and being able to accommodate this -- this new neighbor and community that we may have coming into our Town really. And I'm ---

SUPERVISOR DUNNING: Thank you.

STEPHANIE: And I'm also wondering if you guys would consider -- I'm sorry I'm talking a lot. I told my husband I'm not going to talk tonight, I promise.

But the School District, with all these apartment complexes coming in, I'm just wondering how -- I'm assuming they're all going to Fairbanks Elementary.

Has the Town and the school districts really taken a good look at that to see how that is going to impact, you know -- are we going to have to start breaking up the schools? Is it going to

change the districts?

SUPERVISOR DUNNING: My understanding, the enrollment in these schools is down.

COUNCILMAN SLATTERY: It's a roller coaster.

SUPERVISOR DUNNING: That's declined.

So I would venture to say that the -- no. It wouldn't have a -- it wouldn't have a negative impact on schools or put schools at the level where they would have to start building new schools and separating or dividing up the schools. I don't see that.

STEPHANIE: I just think that it's -- I don't know. It seems to me there is a lot of development going on there, and I actually just moved to Chili from Gates like two years ago, and the reason that I moved is because it's really quiet out there and I have two children and I really feel like it's a great place to live, but the more and more I'm starting to see it changing, it is almost like I don't -- I don't know if I feel like it's where I want to stay either if it is going to continue to become a Henrietta type of place, I guess.

SUPERVISOR DUNNING: That I don't think you will ever see. We'll -- we'll never develop -- first of all, we don't have the space to. We don't -- and I don't think any of us have the desire to see that happen. There are -- certainly there is some growth in the Town and I know this is getting off the topic. Most of the growth has really been pretty good, providing nice amenities for the residents in the Town without being overwhelming.

You will never see Ridge Road in Greece or Jefferson Road in Henrietta as a part of Chili's makeup. We're not that big. We don't have that kind of space.

STEPHANIE: I'm sorry. I didn't mean to get off topic either.

SUPERVISOR DUNNING: You're fine. You're good.

COUNCILMAN SLATTERY: David (Dunning), before you go, one thing if I can, before -- there has been talk about streetlights, about sidewalks. Generally the majority of those are built when the property owner, the subdivision is being built. You don't really see those after the fact.

Supervisor mentioned that we have -- from the U of R, we have put into the sidewalk fund. Well, we're putting those sidewalks down main roads like Paul Road where we did some, Chili Avenue we did some sidewalk improvements.

Streetlights, I lived in a subdivision where there are no streetlights connected to a subdivision with streetlights. Folks in my neighborhood complained about not having streetlights and -- but the developer didn't put them in when he built the homes. By having streetlights and a sidewalk -- there is a streetlight district and a sidewalk district where the people that live in those districts are paying more in their taxes to cover the cost, to cover the expense, maintenance and upkeep and so forth of those.

So it is important to know by having the amenities, there is also a small tax with that that people that live within that area are paying for. So I can just touch on that real quick.

KIM PORTER, 11 Glenlivet Drive

MS. PORTER: My name is Kim Porter. I live at 11 Glenlivet Drive and we have nice houses on our cul-de-sac. The majority of our neighbors are here tonight because we are just as much concerned about this proposal. One major -- my concern is the approval of multi-story buildings and townhomes there.

I moved to this area because I wanted a single-family residence, single-family neighborhood, not knowing that we have tracts right behind us. It's not going to be highly developed. That's what we moved into. That is what I want it to stay. I don't want to see huge buildings going up in the neighborhood and having it be townhomes and rental property.

SUPERVISOR DUNNING: Thank you.

MS. PORTER: I strongly object.

SUPERVISOR DUNNING: I will get back to you. I just want to make sure other people get heard. I just want to make sure everybody has their chance.

JAMES GAGNON, 248 Golden Road

MR. GAGNON: My name is James Gagnon and I live at 248 Golden Road, a neighbor of Jeff's. Um, I, too, have seen, you know, the traffic. But the thing I want to look at, has anybody looked at the water issues that are on Golden Road? We're one of the few neighborhoods in the Golden Road tract that doesn't have gutters. We don't have any sewage pipes. We have had broken water mains throughout the street. I myself have had three different water main breaks on my property. And I know there is a couple gentlemen down the street that have had numerous ones on theirs.

Now, when we add these new townhomes, that is going to increase the water issues. We have an antiquated sewage system already on that street. Now we're going to add this into it and create more of a problem. My yard in the back is flooded until about the 1st of June. I can't bring my tractor out there. I have to mow by hand in the back because there is so many water issues. I have noticed them on Westside Drive, they're starting to dig out the ditches and doing stuff there. But that still doesn't alleviate the problem what is happening on Golden Road with the water.

COUNCILMAN SLATTERY: James (Gagnon) if I can, what was your address?

MR. GAGNON: 248 Golden.

COUNCILMAN SLATTERY: The Highway Superintendent is writing that information down and I am sure somebody will be looking at that area. Westside Drive is a County road that

has the project through there. That is separate from the Town.

Now you also mentioned water main issues, water main breaks, your drinking water. Have you talked to the Water Authority in regards to that?

MR. GAGNON: I talked to them. They give us the same thing. Old sewage.

COUNCILMAN SLATTERY: Well, it's not sewage. It's your drinking water.

MR. GAGNON: The drainage system -- or whatever.

COUNCILMAN SLATTERY: There are three different ones. You have your drinking water, your storm sewer -- that's your groundwater runoff, your sump pump line and so forth and then you mentioned the gutters.

MR. GAGNON: We have no gutters.

COUNCILMAN SLATTERY: You mentioned not having them. So just -- that is why I want to make sure -- there are different ones that -- I want to understand what you're referring to. I would maybe call the Monroe County Water Authority and talk to their engineers and ask them how old is the pipe.

MR. GAGNON: The last time I talked to them was last time they were at my house.

COUNCILMAN SLATTERY: Did you talk to one of the engineers or one of the field guys?

MR. GAGNON: I talked to the engineers that came out with them, because I asked them about, "What are you going to do about my driveway, about my front yard?"

The driveway sank three times.

COUNCILMAN SLATTERY: As far as restoration, you mean?

MR. GAGNON: Restoration.

COUNCILMAN SLATTERY: When the main broke.

MR. GAGNON: They said, "We put down our first load of asphalt and that is all we're doing."

So my driveway keeps on sinking. I -- I put a new driveway in just a couple of years. I have a couple spots that are sinking already.

COUNCILMAN SLATTERY: And I would say -- an engineer from the Water Authority I would talk to, but Dave Lindsay will look at it from a drainage standpoint, from the runoff.

MR. GAGNON: Well, part of the runoff does come in through Westside through the back part of my yard and the neighbor next to me -- not Jeff's side but the other side, there is a drain over in that area. But it doesn't matter. It gets so much water. It is flooded in my yard.

COUNCILMAN SLATTERY: That is why there is wetlands over there, because of the amount of water. Actually, the water will flow the way it flows. We come in, we develop, and now with the new requirements they have for development, we're looking at storm water issues from retention to detention ponds and so forth. Trying to keep the water onsite so it doesn't go to somebody else. But that is because of the subdivision, the age of it, David (Lindsay) will see if there is anything that the Town can do. He will look into that.

MR. GAGNON: The other thing you mentioned with the streetlights and stuff like that, our development was half built in the '50s. Our side of the street didn't start until the '80s. So we only had one side of the street that is older, so that is probably why we don't have the gutters and everything else in there. But as more houses are coming in, you're going to have more an issue with water.

SUPERVISOR DUNNING: Those -- those are issues, and I -- great information, and thank you. The -- that will be addressed. Those issues will be addressed during the site plan by a Planning Board, drainage, water. All those things are part of a site plan when they put that together. So those would be addressed during the Planning Board process.

And I will say, just to everyone here, if -- if this does get to the Planning Board, I -- I highly -- they have a Public Hearing also just like we're having here tonight and I highly encourage you to be there at that meeting to express your concerns on the site plan, if that comes around. Because that -- that is where some of the substance that you guys are talking about tonight are -- those -- those will be addressed as a part of that, and you need to be heard by that, too. Your particular concerns are site plan issues. We aren't -- again, we're not -- we're not the authority.

MR. GAGNON: Just bringing it as an overall.

SUPERVISOR DUNNING: I do. I appreciate that, but I just want you to know we encourage you to also become part of the Planning Board if it gets that far. And there is an "if" there. It's not a foregone.

KATHLEEN ELLIS, 240 Golden Road

MS. ELLIS: Good evening, Town Supervisor, Councilmen, Councilwoman. Thank you for having us here tonight. I greatly appreciate you spending your time --

COUNCILMAN SLATTERY: I'm sorry, could you state your name?

MS. ELLIS: My name is Kathleen Ellis. I live at 240 Golden Road. My husband spoke a few moments ago and is graciously taking care of our young child while I speak.

My concern here tonight is that I believe we're truly putting the cart before the horse here in seeking an incentive prior to conducting a thorough analysis of the cleanup required for this site and determining the funding for the cleanup as well as the type of cleanup that will be conducted.

I do not believe, nor do I hope that this Town Council believes that a mere \$1,000 per unit protects the Town's people, the Town itself or the residents of the Golden Road tract. As the attorney for the LLC presented before the Board, the cost of a cleanup for residential homes --

and please correct me if I am wrong, if I am misstating, but the cost for cleanup of a residential development which has been discussed as a possibility on these parcels of land is significant compared to the cleanup required for townhomes.

That's concerning to me because what that says to me is that the cleanup isn't as extensive. So we're not cleaning this land to the extent that we can because it's more expensive to thoroughly clean the land for homes. So instead of taking that extra step in protecting the Town and its residents and particularly those who live near this tract of land, we're going to go the cheaper route because we have business that we have to take care of and we want to develop this quickly. We're having trouble selling this as land for single-family homes. We're having trouble coming up with funding to properly clean it, so let's find a way we can push this through quicker so we can make our money back faster. That doesn't take into account the health and welfare of the citizens of Chili or those that live on Golden Road.

Now regarding the density factor, I am very concerned about the increase in density that building townhomes at the end of our street would present to our neighborhood, to my neighbors, to my friends and to my own family. I'm very concerned about the traffic, although I understand that that is an issue for the Planning Board.

I am also very concerned about the impact on our home's value and the deviations to the building -- the zoning codes that allow for single-family homes, single-family home height and appearance. These buildings, from what I understand, would differ from that and would be more commercial looking, townhome rental buildings. I'm very, very concerned that that will impact our home's value. If all our homes' values decrease, you know -- eventually, the assessed value of those homes will decrease, as well, which will directly impact the rest of our Town in that our taxes will decrease and our taxes fund the Town. It funds our library. It funds all of the amenities that we all come to know and appreciate as Town of Chili residents.

So with that, I would like to say thank you very much for your time. I truly appreciate it and if this does pass, I look forward to speaking with the Planning Board at that date.

Thank you.

SUPERVISOR DUNNING: Thank you very much.

JOE CROSTON, 180 Golden Road

MR. CROSTON: Good evening. My name is Joe Croston. I live on 180 Golden Road. I hadn't planned on speaking tonight but there has been such a lively conversation, I wanted to add just -- I guess a couple of questions.

One in particular, is proposal of the property site, where are the entrances and exits going to be?

SUPERVISOR DUNNING: That would be up to the Planning Board. That is not part of this application.

MR. CROSTON: If they're all on Golden Road, you will overflow the traffic on Golden Road only. If they put an exit on each end down by the end of Stone Barn, I don't know if everybody in this room is familiar with it -- maybe you guys aren't, but it's almost like a maze there the way the streets run. If you have an exit there, you will have a lot of people dashing in and out of streets because they come to an abrupt end. You have to make a right. You have to make a left. The increase in traffic will be significant obviously, and -- if it is approved and actually goes through and you have construction -- you have construction vehicles, it will be a horrendous burden on the neighborhood.

Like Mr. Fisher said about the traffic on Golden Road, about three years ago, I almost got ran over by a drunk driver while I was walking my dog. And that's right now during the quiet version of Golden Road. With the increase in traffic, I can only see it getting worse.

And finally, I guess one question I have, and I don't want to sound like I'm being self-serving here. We have heard the negatives of this project from everybody in this room. What are the positives? What are the positives? What is in it for the citizens here to make our neighborhood better? I haven't heard a thing on the good side of it other than the fact the Town will get a few more taxes and the gentleman proposing this idea will obviously make money. So again, what is the good part of the proposal of this? Thank you for your time.

SUPERVISOR DUNNING: The good part of it is -- is, again, the -- it's -- it's the development of a new community in the Town. There is an increased tax base that -- along with that, and as well as the incentives is what we're considering here tonight are -- or we're hearing from you on tonight -- and I know to a lot of you that is a drop in the bucket, the \$52,000 that would be collected in incentive for relief of this specific things we have mentioned previously, but that has nothing to do with the site plan. So the positive side of it is -- is that --

RICHARD STOWE: Property is cleaned up.

SUPERVISOR DUNNING: And -- exactly, the property will get cleaned up from its current state.

MR. CROSTON: The -- they sunk wells there I'm not sure how many years ago and they spent, I think, in the neighborhood of a million dollars analyzing what was going on on the north side of the railroad tracts which is where he is proposing. How contaminated it is, I'm not at liberty to say. I -- I really don't know.

But what I do know, if this project goes through, I have talked with -- because I do a lot of walking in the neighborhood. I walk my dog five, six times a day and I can tell you I have talked to at least 20 people who say that if this project goes through, their homes are going up for sale.

SUPERVISOR DUNNING: Thank you.

LILLIANA, Westside Drive

LILLIANA: Hi. My name is -- my name is Lilliana. I'm ten years old and I live on Westside Drive. Um, I came up here to say that a lot of people have been like safe in their homes since probably they got here and from those like houses going in, um, they probably feel unsafe there. And they feel like they're not protected any more. And they feel like maybe like -- say if somebody left their house unlocked, so their daughters can get in after school, say if somebody like comes to steal stuff or something. Like -- like what would happen if they did? They would probably feel unsafe.

COUNCILMAN SLATTERY: Very good job.

SUPERVISOR DUNNING: Very good.

I know you guys are students, right? That's a ten-year-old girl that got up and got involved in your community. I hope you all learn that in your class.

SILAS HULSE, 29 Weatherwood Lane

MR. HULSE: Silas Hulse, 39 Weatherwood Lane. The young lady back here that brought up an issue that happened in the Town of Ogden -- like you said, you guys don't share notes back and forth, but Greenwood Park development is that residential development area that is over there at the northwest corner of Westside Drive and Whittier Road that ties into that Westwind Way Subdivision that is opposite the Golden Road.

Any ways, over there they have 27.3 acres and in that they have 30 townhomes in 8 buildings. 56 apartments in 7 buildings. This is a little more concentration of apartments into a small area which is going to have a major impact on the tax base in this area in the Town of Chili.

I -- I will join a whole bunch of other ones and if there is a realtor in the room, they better start taking names of people that want to put their house up for sale.

Thank you.

SUPERVISOR DUNNING: Thank you.

ROBERT JEFFREY, 3 Stone Barn Road

MR. JEFFREY: My name is Robert Jeffrey. I live at 3 Stone Barn Road, so basically this would be right in my backyard. The neighborhood I moved out of to move here turned into all rentals. It's on McGee Avenue. You ever heard of that? Right. Well, that is all rentals now. That is why I moved out here. So I just don't want the same thing to happen here.

What happened -- what is that Chili Commons, or -- or Meadowbrook? Is it kind of like same thing that is going to happen out back?

SUPERVISOR DUNNING: Meadowbrook is a combination of apartments and townhouses.

MR. JEFFREY: That's a dump. That will be my view. It's right out back of my house. I will be moving, too. Better get the realtor because nobody will stand for that. Nobody.

PHILIP ZUBER, 231 Golden Road

MR. ZUBER: Hi. I'm Philip Zuber, resident 231 Golden Road. My property is actually right next to the main entrance of where this proposal is, so basically, if I go to sell my house before all I had to say was, "Yeah, we have done a lot of updates to the house. There are some railroad tracks, but it's the nicest house."

Now if this goes in, I will have to say, "Yeah, I have done a lot of nice updates to the house but there is railroad tracks, there is an apartment complex basically and there used to be hazardous material in the soil, but it's okay because there is a parking lot over it."

Basically what I'm saying.

SUPERVISOR DUNNING: Again, the site will be cleaned up to the satisfaction the Department of Environmental Conservation so there will be verification of that through the SEQR process, but the site will be cleaned up. So it will no longer be the dump that it -- it -- you know.

MR. ZUBER: Who sets the standard for that?

COUNCILMAN BROWN: We're not here to try to sell this to you. We're here to hear your comments.

SUPERVISOR DUNNING: We want to make sure -- yes. We're here to hear your comments and we want to understand how you all feel, whether individually or whether it's one of you or whether it's a thousand of you. We take that information and we take it to heart. But we also want to make sure there is no misinformation in that -- that as you pass on information to us, we are able to give you the -- the facts as we know them, too. So that is just -- I just want to make that clear. My understanding, it won't be a dump any more. But there will be over the site an area which was -- will be paved.

MR. ZUBER: Okay. Quick question.

Who sets the standards for between how they can judge if it's safe to build a structure on top of and not safe?

SUPERVISOR DUNNING: I believe that would be the DEC.

MR. ZUBER: Do they do all of the testing?

SUPERVISOR DUNNING: I believe they would as part of the project; would they not, Amy (Kendall)?

MS. KENDALL: Yes. That is part of the investigation process.

SUPERVISOR DUNNING: Thank you.

JASON STONE, 40 Weatherwood

MR. STONE: My name is Jason Stone, and I live at 40 Weatherwood. I back my neighbors up. Everything they said I don't need to reiterate. Before you guys do judge on -- vote on this, I do compel you to come down to our neighborhood because it is one of the best neighborhoods in Chili, I think. And our neighborhood is worth well more than \$53,000. It's -- it's the American dream. That's what I have to say.

Thank you.

MIKE DAVISON, 2 Glenlivet Drive

MR. DAVISON: My name is Mike Davison and I live at 2 Glenlivet Drive. I agree with basically everything that everyone has said here and their objections. I have a question for what Mr. Slattery said earlier, that regardless of this incentivized rezoning, that they could develop on this right now. They could go ahead with a project without the incentives?

COUNCILMAN SLATTERY: No. The zoning is the same. They can build the single-family that they would like -- homes now. As Supervisor started out with and as I reiterated, when you look at the zoning on how it is zoned right now, they could go through and they could build the single-family homes on there. That's what I said.

MR. STONE: You heard everybody in here saying they object to multiple dwelling --

COUNCILMAN SLATTERY: As Councilman Brown said, we're here to hear everything anybody said. We're not passing judgement. We're listening to what everybody has to say. We want to make sure there is no misinformation.

MR. STONE: One thing I would like to say, also everyone here has objected to this development in some form and Mr. Dunning said that there is a benefit for the development here, just as if you're developing the Town. But there are significant restrictions that the Town Board has employed on limiting the development along Chili Avenue, because I don't want it to be like a Henrietta or a Ridge Road. I would like that taken into consideration, that the neighborhood in here does not want this development.

COUNCILMAN SLATTERY: Actually, if I can touch on that a little bit, the Town of Chili has different committees that we put together, the Chili Center Master Plan and the Comprehensive Plan. You know, we're always welcoming and looking for residents of this community to be involved with the -- with its growth and so I would also say that you folks here, you're here because there is something that affects you that is in your backyard, let me put it that way.

Well, we want to get involved with the Town because there is other parts of Town that you may go to, Chili Center and so forth, that we would like your input on. We have population of in the ball park of 29,000 people and we struggle at times to fill -- whether it's the Rec Advisory, Drainage Committee, Traffic Safety, the Library, there is a Committee there. We struggle to find people to volunteer and get involved with the Town. So I would also say take that into consideration. Maybe something down the road for you to partake in. I have a little side note there, but I just want to do a little paid advertisement there.

SUPERVISOR DUNNING: You're not getting paid for that advertisement.

COUNCILMAN SLATTERY: Mr. Brown has a comment.

COUNCILMAN BROWN: We don't evaluate ourselves based on how much development we have encouraged. You know. Just be clear. I just want to be clear about it. That's not --

MR. STONE: I understand. And I understand the Town Planning, but you have to consider the residents' opinions on some of these developments, as well.

COUNCILMAN SLATTERY: That's why we're taking the time to listen to every one of you, even some of the same comments, but I'm writing them down and we're listening to them. You know, one isn't worth less than the other. You're all important.

JIM NANRY, 6 Majestic Way

MR. NANRY: Hi. I'm Jim Nanry, 6 Majestic Way. I have a concern and it's about the hazardous waste in that area. I have lived here 28 years and it was my -- we got paperwork and that -- that this had been cleaned up and now I find out it isn't totally cleaned, there is still unidentified hazardous waste that we don't know about, but now that there is a dollar amount that may be affixed to this, that maybe it will get cleaned up.

In the meantime, we live next to an area with hazardous waste and with kids and that, it's a concern of mine. We don't know how dangerous it is.

COUNCILMAN SLATTERY: Actually, sir, I used to -- before the development took place, Westside and Whittier, if people are familiar with that area, before the homes were built over there, they used to be all farmland and there used to be horses. When I was a kid, I used -- the people that owned it, I used to go over and ride horses over there. So I'm familiar with the area and I have been out here a long time myself.

SUPERVISOR DUNNING: And, you know, cleanup, um, if this -- again, I'm not trying to sell anything, but if this doesn't -- this project doesn't go through, likelihood of cleanup is -- is next to nothing. It will probably stay the way it is.

MR. NANRY: Is there any way we can find out what is actually buried there? I know benzene -- years ago they discovered benzene.

SUPERVISOR DUNNING: Mr. Stowe?

RICHARD STOWE: I think that the public information that is available has been available and I don't know of any others. As the applicant's Counsel indicated, their investigation process

prior to going through the brownfield process with the State, if that is the way this goes, will involve further investigations, further study and the applicant will have to satisfy DEC with another round of testing that hasn't been done since --

MS. KENDALL: '94.

RICHARD STOWE: -- '94.

MS. KENDALL: '96.

RICHARD STOWE: '96. The '90s. The information that is out there is dated. Okay?

And it's the same information that has always been out there, okay? But it's -- it's on the applicant in going through the brownfield process to satisfy the State in 2017 and '18, which with all due respect, is a higher level of investigation that they're putting on applicants now than they did in the '90s. The process of going through this will involve a lot more information and a lot more investigation than it -- has occurred to date. The Town doesn't have any more information than is readily accessible to the public about what was there in the '90s. I don't know if the applicant does or not. But going through the process will generate more information.

I would be happy to have Amy (Kendall) correct me in there is more information out there than the Town has now.

MS. KENDALL: There is not more information than the Town has now. I -- I can say that there is not hazardous waste there based on the previous investigations, and that's -- "hazardous waste" is a legal term. It's defined in both federal law and State Law. So the -- I know that that sounds like parsing definitions, but what is there is basically foundry sand, so what that means in terms of contaminants is metals. It's, you know, zinc, copper, those types of -- of contaminants. The New York State Legislature has put into place cleanup standards for those metals and that's what we would be looking to meet in the context of the brownfield cleanup.

SUPERVISOR DUNNING: Thank you.

SCOTT PORTER, 11 Glenlivet Drive

MR. PORTER: My name is Scott Porter. I live at 11 Glenlivet Drive. I have quite a few concerns about this. I back up to woods and then there is a row of houses and then the street and then the tracks. Um, I have got some trails from my backyard. I have kids going through there on four wheelers, no helmets driving around. I asked them numerous times to stay off the property. A little bit of respect. They don't. They just keep -- continue to do it.

My concern is that if you have, you know, all these kids in a complex, where are they going to go play? They're going to play in my backyard, our neighbor's backyard, the woods, all of the woods over there between the tracks and the (inaudible) subdivision.

I also have a problem with -- I pay a lot of taxes in Chili. So maybe I feel like I'm -- I'm paying more for services in Chili and maybe I want -- I don't want to have crime. Pretty safe neighborhood. You know. And I'm worrying about my property values. You know, I want to leave something for my kids. My house will be paid for soon. I want to sell my house, you know -- if it's worth 200 now, maybe only worth 120 in 10 years with an apartment complex. I'm concerned about the traffic. So I -- I just want to say I totally oppose the incentives.

SUPERVISOR DUNNING: Thank you.

ALEX BRUGER

MR. BRUGER: My name is Alex Bruger and I have lived in Chili for 25 years. I've grown up here all my life. I've -- I'm personally a renter. I rented properties since I was 18 years old.

I personally think I may be one of the few people that do not oppose this -- this incentive because I believe that everybody should be given the opportunity to live in a townhouse or an apartment or a rental property of that sort that can't afford a home. And if this property goes in a community that is as safe as everybody else is saying in this room, I don't see the problem in that, giving everybody else an equal opportunity to be a part of that community. I'm also -- I'm also a small business owner. I believe that Chili has been very progressive in the last five years and I don't think it's a bad thing to have more people come to this community. I love Chili. I've been here all my life and I believe everybody deserves a chance to be a part of it. That's what I have to say.

SUPERVISOR DUNNING: Thank you.

WILL ARCHAMBAULT, 15 Stone Barn Road

MR. ARCHAMBAULT: Will Archambault, 15 Stone Barn Road. I'm also opposed to in general to this. I also have just some timing and sort of procedural questions. So after this meeting in a couple weeks, you guys will have another where you will take a vote on the incentive zoning; is that --

SUPERVISOR DUNNING: That's not -- that's not a foregone conclusion.

COUNCILWOMAN SPERR: May or may not.

MR. ARCHAMBAULT: May or may not.

SUPERVISOR DUNNING: The Town Board will discuss this, what we have heard tonight. We'll share with each other our views on what we have heard tonight and then we'll determine whether or not we will bring this up for a vote. Well, actually, the -- the agenda becomes the Supervisor's agenda and I generally construct the agenda and I put the resolutions out here. Even if the resolution comes in -- so I will take the heat for if this resolution goes on to be voted on.

The Town Board then has an option to either support the resolution or to decline the

resolution. I can't say, however, when -- if that resolution will be on the next Town Board meeting. Next formal Town Board meeting is January -- 17th, I believe. And that's the soonest it would possibly come up, the soonest.

MR. ARCHAMBAULT: From there, if it were to be voted on, the brownfield process --

SUPERVISOR DUNNING: That would be up to the applicant to determine when they would begin that process, and I can't -- we can't speak to that. We don't know when that would be.

COUNCILMAN SLATTERY: That is if it passed on the 17th?

SUPERVISOR DUNNING: Correct.

COUNCILMAN SLATTERY: Correct.

MR. ARCHAMBAULT: Incentive zoning is required to begin even applying for the brownfield process.

SUPERVISOR DUNNING: I believe that is the understanding -- our understanding, yes.

COUNCILWOMAN SPERR: Because of the nature of -- of the Town, if we approve that, then they would go ahead with the townhomes, but they don't feel they could get the brownfield cleanup approved if they do family homes; is that -- am I understanding that?

SUPERVISOR DUNNING: It is -- without the incentives, I don't believe the application is -- is as strong an application for the brownfield cleanup.

MR. ARCHAMBAULT: Okay. With past things you dealt with, brownfield cleanup and that process, how long does it take?

SUPERVISOR DUNNING: I couldn't even answer that question. I have never been involved in anything like this before. The only other brownfield I'm aware of we had in Chili that was cleaned up and now it's a -- it's a very nice service station, or gas station out on Scottsville Road. So --

RICHARD STOWE: I think the applicant probably has more experience than the Town does with brownfield.

But the timeline?

MS. KENDALL: There is no way to -- to discuss that at all. The process is basically we would apply. There would be public process in the context of the DEC application, including hearings. We would then be required to do an investigation which takes time. The investigation then has to be analyzed by the Department of Environmental Conservation. We then would have to propose a cleanup, a remedy and it's the remedy selection that is contingent on what the Town would approve and then at that point we would have to -- to do the remedy.

There is additional public notice and Public Hearing. We would also have to go through the site plan and subdivision approval.

SUPERVISOR DUNNING: Just minor bureacies. (Laughter.)

So like ten years from now -- I'm kidding.

RICHARD STOWE: Not my meeting, I apologize.

But I think -- I think the general public is trying to get a handle on the applicant's proposed procedural steps. Assuming this Board approves the incentive, what would the applicant's next step be?

MS. KENDALL: The next step would be -- first you have to do an informal meeting with the Department of Environmental Conservation.

RICHARD STOWE: So all at the State level next?

MS. KENDALL: Yes.

RICHARD STOWE: No Planning Board meeting until you're done with the State?

MS. KENDALL: Until we have at least a cleanup plan.

RICHARD STOWE: Okay. I think there is a room full of people that are wondering if this would come back to a Planning Board meeting -- if this Board were to vote on it in January and approve it, would you be back before the Planning Board in February or March?

MS. KENDALL: Oh, no.

RICHARD STOWE: Thank you.

MS. KENDALL: No.

SUPERVISOR DUNNING: It sounds like a long time to me.

RICHARD STOWE: But what we're driving at here, is that the -- the threshold issue of incentive zoning drives the DEC's review process that the applicant has the responsibility to take as the next step. Only after the applicant and DEC were satisfied that they had reached a point in that process, would they come back to the Planning Board to hear some of the issues that have been brought up here tonight.

Is that fair?

MS. KENDALL: Yes.

MR. ARCHAMBAULT: Thank you.

DOUG PERRY, 241 Golden Road

MR. PERRY: Doug Perry, 241 Golden Road, the house with the big black dog. Everybody knows me.

We moved in in '09. My wife and I are both disabled veterans. The thing that drove us to really buy at this location, this is sanctuary for us. Only place we could find that actually kept us calm and now the Town wants to go -- or some people want to go and ruin that for us.

I know just within three places there are four veterans and I know there are a lot of other veterans behind me that would probably support me on this. That street is very quiet. We want it left alone. It is great. If you guys want to go through with this, I would like to have a VA

impact on it where we can have somebody come in here and show you the studies what happens when you bring in things to that nature. It will ruin our street. It's going to ruin everybody's attitudes. I don't think anybody here wants it at all.

Thank you.

SUPERVISOR DUNNING: Thank you for your service. We appreciate it.

MS. MARTINEZ: My first time up at bat I forgot to address something.

COUNCILMAN SLATTERY: Your name?

MS. MARTINEZ: My name is Pat Martinez. I live at 23 Stone Barn Road.

You talked about the \$1,000 per unit incentive that the Town gets, and my neighbor back here asked pretty -- the elephant in the room, what's in it for us? And you tell us there is \$53,000 for the Town to do sidewalks someplace, but there is still nothing in it for us.

And I guess my point is, there is cost and there is value. The Town is getting the value. We're getting the cost.

Thank you.

SUPERVISOR DUNNING: Thank you.

MS. HOLFORD: There was another issue I wanted to bring up.

SUPERVISOR DUNNING: Name again.

MS. HOLFORD: Dawn Holford, 239 Golden Road. My husband, by the way, is also a vet and lives next door to Doug. Good neighbor.

But another problem that I see happening is I, like I said, was born and raised here. I went to Churchville-Chili School. My children who are in their 40s went to Churchville-Chili. My grandchildren that I'm raising go to Churchville-Chili. So I have seen generation after generation of how this kind of thing affects our schools, okay? Which is totally going to affect everybody, not even in my neighborhood, but everybody who goes to Churchville.

Since Meadowbrook went in, Cedars of Chili low income -- sorry, but the word "riffraff" has to come up again. These people that are renting basically come up here because they can't -- they can afford to by living in Meadowbrook, by living in Cedars. It's people we're getting in the city who live by an entirely different value than we live, who have been living on the streets, who steal to live. They come out here and they're basically hoodlums.

Our school already has seen bad signs of it happening. We're going to be like Gates if things don't stop. There is fights up there all of the time now. We never had fights in Churchville before. Constant bullying. Problems on the buses. And most of the kids that are causing this are coming from rental property.

And these ATVs that everybody in my neighborhood is talking about that is causing all of the havoc is coming from Mr. Battisti's rental property at 227 Golden Road.

The only person that will benefit anybody in our neighborhood is again Mr. Battisti getting richer. He doesn't care about our neighborhood at all. He can go wherever he wants, do whatever he wants because he is the only one that is going to have the money. We are being left there. We worked our butts off for our houses and we can all see the future. As far as the contamination on Golden Road, like I said, me being a Fitzsimons and knowing about the contamination from the 1970s and when the government dumped it there, they had big containers that had eroded over the years and years and years. That property is never going to be cleaned up.

First they said it was cleaned up. We just had another big cleanup again in the '90s that said it was cleaned up. It is still not cleaned up. His own lawyer even said it's not cleaned up. That stuff seeped way down into the ground and it's hazardous. Maybe because they didn't go down to a certain level, you know, they got the surface of the hazardous. I know, because I was privy to it. I lived here all my life. So it's like way down in the ground.

So for all those factors, everybody should consider what it is also going to do to our schools.

Thank you.

MR. SICKLES: Stephen Sickles, resident of Weatherwood Lane.

I have three questions that I'm asking for clarification for myself and possibly for my fellow community members. If I heard you correctly, you said that you may or you may not vote on this issue. Is that -- I guess this is a two-part question. So if that is the case, I guess I have four questions.

But if you don't vote on it, is that just like we're not going to vote on it on the 17th or just not going to vote on it?

SUPERVISOR DUNNING: Yes. It could go either way.

MR. SICKLES: Okay. Fair enough. My follow-up to that is then if you just choose to not vote on it, all of you abstain and it doesn't come back, what happens?

SUPERVISOR DUNNING: That's up to the applicant.

MR. SICKLES: Okay.

SUPERVISOR DUNNING: As far as the Town goes, nothing.

COUNCILWOMAN SPERR: If the Supervisor puts it on the agenda, decides to put it on the agenda, the rest of us on the Board have the option to not move and second. So it dies for lack of any participation. That is a possibility. So it's not necessarily terminology to abstain. If you -- if it becomes moved and seconded, then we have the option to vote or abstain from voting or vote no.

MR. SICKLES: And then just to clarify, it will have to come back before a Planning Board in which we can come and speak out against?

SUPERVISOR DUNNING: If -- if -- you're saying no. She is saying yes. Not necessarily.

RICHARD STOWE: It depends.

SUPERVISOR DUNNING: It depends. If this Board votes and votes in favor of the incentive, then yes, it would come to the Planning Board where another Public Hearing -- eventually it would come to the Planning Board.

RICHARD STOWE: Unless something with the applicant happens that they don't bring it back.

SUPERVISOR DUNNING: Or something happens to the process of cleanup, things fail, whatever. If it does come back to the Town for consideration, then it would go to the Planning Board where another Public Hearing would be held.

MR. SICKLES: Fair enough.

SUPERVISOR DUNNING: But it still could come back to the Planning Board if this Board votes no or doesn't vote at all. At sometime they could proceed with whatever they need to do to clean up the site or make the site developable, they could then bring an application to the Planning Board, appear before the Planning Board, Zoning Board, whomever else they need to get a project done and then it would go through that process, absent of incentives.

COUNCILMAN SLATTERY: Without coming to us.

SUPERVISOR DUNNING: Without coming to the Town Board. We would not be involved in that.

MR. SICKLES: Fair enough. I guess as I'm standing here, I'm realizing that the last question -- you answered one of the questions I had within your answer, so there is no need to be redundant and ask it again.

I'm realizing now the last question I had is really more a question that would be to Mr. Battisti and I -- I -- this probably isn't the forum. Nothing rude, but just was a question that would be better addressed to him. I mean just with hearing the concerns of the neighborhood and I guess I know the reason why he would want to keep going through with it, but literally with the exception of one person, everybody is speaking out against it. You kind of have to ask yourself is it really worth it to be one of the most hated men in Chili to let this go through.

SUPERVISOR DUNNING: I would suggest you ask that question to Mr. Battisti. If anyone here -- I will not put Mr. Battisti up here to answer that question. That's not fair to him or anybody. So I would ask that you ask that question privately or as a group to Mr. Battisti, if you would.

SIERRA, Majestic Way

SIERRA: Hi. My name is Sierra. I live on Majestic Way and I go to school, to Churchville and it's -- when the -- when the school like -- when one lady brought it up, I felt it was ignored.

I go to school. There was a fight today about an argument which was something ridiculous. When these more rug rats come in, more fights will happen and I know, because if I go on the bus, bullying constantly. People are being called "gay," "lesbian," all these nasty names. Little five-year-olds down the street are swearing, putting middle fingers up. And I have walked my dog, I have walked with friends around the neighborhood so I know what is going on.

And it's tiring. I'm 12. I have work to do and I'm more worried about kids who are picking on me than work and it's tiring how all these lower class, whatever you want to call them, are coming more into our environment -- benefits us. It might benefit people who are making more money, because they want more money. That's what their idea is. But how is it going to benefit the community on -- emotionally, physically and everything else? So yeah.

DAN HAZEKAMP, 214 Golden Road

MR. HAZEKAMP: Dan Hazekamp, 214 Golden Road. We bought the property back in '86. It was a very quiet neighborhood. Glenlivet Circle didn't exist then. I owned the property behind it. We knew Mr. Fitzsimons very well.

I don't know if I'm hearing everybody the same, but I kind of have a feeling most of us wouldn't have a problem with single-family homes going in there. We're just not up for the higher density and multi-family homes. I have seen, as additional construction in Chili has gone in, the water table of my property has gone up. My basement is wet now where it used to be dry when I moved in.

So it's -- I don't see a benefit to more construction there. It's a very high water table area. It's wetlands. You know, actually, I call it a swamp. You know. It's just water there all of the time. The drainage ditch along the railroad tracks is always full of stuff. It backs up. So I don't see a benefit to it, so I just wanted to voice that.

SUPERVISOR DUNNING: All right. Thank you very much.

MR. CROSTON: Hello again. Gerald Croston, I live at 180 Golden Road. It's funny, something that came to mind and hasn't been mentioned tonight is called people versus trains, and we're living in a society where basically people make mistakes and somehow they come out blameless. You're going to have a proposal with let's say an extra 50 families. Obviously they're going to have children.

This area being proposed is virtually next to the railroad tracks. Sooner or later you're going to have a strike. You're going to have somebody get hit. You have approximately 30 to 40 freight trains go through there per day at a speed of between 50 to 60 miles per hour. I know because I live next to the tracks. You have at least 8 Amtraks a day doing speeds up to 79 miles an hour. And I mean I knew when I moved there and that's fine. I accept that.

However, if you have families who are not familiar with the dangers of a fast moving train,

sooner or later you are going to have a strike. Once you have a strike, you will have people crying for the Town to pay for a fence along the tracks or a way to keep people or children from climbing up to the railroad tracks. And yes, you have a financial incentive here, however, the cost of building whatever it will be to protect these kids from being up on the tracks or whatever could outweigh your financial incentive or the lawsuits that would result from a hit. I don't know. I think it's a valid point and like I said, it has been mentioned.

And it's amazing when you live near those tracks, one minute the train is not there and the next minute it is, and with kids, in -- you know, multiple families, there -- I feel the risk would be very high is all.

Thank you for your time.

SUPERVISOR DUNNING: Thank you. I live -- I don't live right on top of the tracks, but for those of you who know where I live -- probably a good portion of you do --

COUNCILWOMAN SPERR: Christmas lights anyone?

SUPERVISOR DUNNING: They built an awful lot of homes along those tracks and not to dispel what you're saying, but I never heard of an accident, God forbid, and they keep building new homes. And I question the very same thing, the validity of building homes on top of railroad tracks, but people keep buying them, as you know. People do keep buying the houses on the tracks. I don't think you can live in Chili and not be exposed to a railroad track in some way, shape or form. I think we all do, because they come through. Some are busier than others, but I -- you know, I don't disagree with what you're saying. And I understand.

I think Chili and railroad tracks are kind -- and wetlands are kind of all intermingled together.

Is there anyone else that would like to speak at the Public Hearing? No?

MS. KENDALL: I just had two comments.

SUPERVISOR DUNNING: Okay.

MS. KENDALL: I thought there was somebody else. First I just wanted to clarify about the Brownfield Cleanup Program. The financing, the cleanup would be financed by the developer. That is not something financed by either the taxpayer or the Town.

Secondly, with respect to the discussion on rentals, I -- the last -- we represent a lot of developers. I also am a Town Attorney so I certainly appreciate your concerns. The last analysis that I have seen recently for the area has square footage about 100 -- \$120 per square foot for rentals. That is more than my mortgage for my single-family home in Chili. So I just wanted to reiterate Supervisor Dunning's point.

MS. MARTINEZ: Does that sit on a railroad track, though?

MS. KENDALL: Yes. Actually in Chili.

MR. GAGNON: Just a quick one.

SUPERVISOR DUNNING: Not a problem. You're more than welcome. I will not reject anybody's comments.

MR. GAGNON: The question I ask, are -- are these subsidized homes that will be put in?

SUPERVISOR DUNNING: There has been no specific plan on what type of housing that these would be other than townhouses. I can't -- I can't --

MR. GAGNON: She is saying the rent is more than what my mortgage is.

SUPERVISOR DUNNING: I can't say it is or isn't.

MR. GAGNON: How does somebody that typically cannot afford to own a home rent a home without a subsidy?

SUPERVISOR DUNNING: That happens all of the time.

COUNCILMAN SLATTERY: Actually by my house there were new apartments just built and they are very nice and expensive. You have lawyers, doctors, professionals that are in there. You have blue collar people. So yes, you -- you can. They do. And there are other areas that yes, that are subsidized.

MR. GAGNON: That's the question.

SUPERVISOR DUNNING: Seeing none. I will close the Public Hearing.

The Public Hearing was closed at 8:50.

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At this point, a Public Forum was conducted to allow public speakers to address the Town Board. The following speaker addressed the Town Board on various subjects: George Emens. The Public Forum concluded at 8:55 p.m.

#### **MATTERS OF THE SUPERVISOR:**

Pending Matters:

1. Vacancy BAR (1 - Permanent & 1 - Temp Member) Committee.

**MATTERS OF THE TOWN COUNCIL:** Nothing to report.

The 11/15/2017 Town Board meeting minutes were approved as modified.

#### **REPORTS SUBMITTED:**

2017 Y/E Report Architectural Advisory Committee

2017 Y/E Report Assessor  
2017 Y/E Report BAR  
2017 Y/E Report Building Department  
2017 Y/E Report Conservation Board  
2017 Y/E Report Drainage Committee  
2017 Y/E Report Finance  
2017 Y/E Report Historian  
2017 Y/E Report Historic Preservation Board  
2017 Y/E Report Library  
2017 Y/E Report MIS  
2017 Y/E Report Planning Board  
2017 Y/E Report Parks & Recreation Committee  
2017 Y/E Report Recreation Department  
2017 Y/E Report Senior Center  
2017 Y/E Report Town Clerk  
2017 Y/E Report Traffic & Safety  
2017 Y/E Report Zoning Board  
2030 Comprehensive Plan Report – Y/E 2017  
Advanced Payment of Claims – November 2017  
Building Department Report – November 2017  
Chili Parks & Rec. Minutes – 11/17/2017  
Conservation Board Minutes – 11/6/2017  
Dog Control Reports – November 2017  
Historic Preservation Board Minutes – 11/13/2017  
Library Board Minutes – 10/24/2017  
Monthly Financial Statement – October 2017  
Planning Board Minutes – 9/12/2017, 11/14/2017  
Recreation Center Report – November 2017  
Senior Center Report – November 2017  
Town Clerk Report – November 2017  
Traffic & Safety Minutes – 11/2/2017  
Zoning Board Minutes – 10/24/2017

**CORRESPONDENCE:**

1. Virginia Ignatowski, Town Clerk has received notification that John Nowicki, Planning Board is resigning effective 12/13/2017.

SUPERVISOR DUNNING: He did have his last meeting last night, which was -- 41 years he served the Town of Chili.

COUNCILWOMAN SPERR: God love him.

2. Virginia Ignatowski, Town Clerk has received notification that Michael May, Highway Department is resigning effective 12/21/2017.

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**RESOLUTION #268 RE: Donation to the Senior Center Trust and Agency Account**

**OFFERED BY: Councilman Brown**                      **SECONDED BY: Councilman DeCory**

**WHEREAS**, the Senior Center Trust and Agency Account was established in the year 2000 to hold proceeds from fundraising activities to benefit the Chili Senior Center; and

**WHEREAS**, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wishes to accept a \$100 donation from Lisa and Peter Darling & \$100 from John Zampatori to be deposited in the Senior Center Trust and Agency.

Councilman Brown - Aye  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:**

SUPERVISOR DUNNING: Question came up about the contracts. I think in the future what we would likely do rather than change the contract language, we'll likely do these ahead of the first -- ahead of the Organizational Meeting. That will dispel any issues that we may have with any conflicts. So we'll either look at this meeting or the very last business meeting of the

year, providing we have the contracts in time to review and we get them, you know, at least 30 days or so ahead of time.

UNIDENTIFIED SPEAKER: I think Mr. Dinapoli has that all covered for you.

SUPERVISOR DUNNING: Well, you would think so. It doesn't always happen that way, does it George (Emens)?

MR. EMENS: No, it doesn't. It's a dream world.

COUNCILWOMAN SPERR: So with the current situation --

SUPERVISOR DUNNING: The current situation right now we're approving the contracts now pending Counsel's review, which I believe we have reviewed all of the contracts now and it would authorize me to sign these contracts now so as of the 1st of the year when the clock ticks to midnight, midnight 0:01, they're covered and they're taken care of.

COUNCILWOMAN SPERR: This will take care of that?

SUPERVISOR DUNNING: Yes.

COUNCILWOMAN SPERR: Just want to make sure I understood that.

SUPERVISOR DUNNING: But in the future, we will do it ahead of time like this so these are done ahead of time rather than later.

**RESOLUTION #269 RE: Fire and Ambulance Contracts**

**OFFERED BY: Councilman Slattery    SECONDED BY: Councilwoman Sperr**  
**BE IT RESOLVED** that Supervisor Dunning be authorized to sign Fire and Ambulance Contracts in accordance with the 2018, budgeted amounts, pending review of Counsel.

Councilman Brown - Aye  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #270 RE: Planning Board**

**OFFERED BY: Councilman DeCory    SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** that Glenn Hyde shall be appointed to the Planning Board to complete the term of John Nowicki term to expire December 31, 2020, expenses to be paid by voucher as incurred.

Councilman Brown - Aye  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #271 RE: Authorizing Surety, Form, and Amount of Official Undertaking for the Faithful Performance of the Duties of the Town Clerk and Receiver of Taxes and Assessments**

**OFFERED BY: Councilman Slattery    SECONDED BY: Councilman Brown**

**BE IT RESOLVED**, as follows:

Section 1. The Town Board hereby approves the surety, form, and amount of the official undertaking for the faithful performance of the duties of the Town Clerk and Receiver of Taxes and Assessments as follows:

Type of Undertaking: Government Form P Faithful Performance  
Insurance company: Utica National Insurance Group  
Amount: \$500,000

Section 2. A true copy of this resolution shall be affixed to the undertaking to indicate this Board's approval thereon in accordance with Town Law Section 25.

Councilman Brown - Aye  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #272 RE: Chili Fire Department Active List**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilman Brown**

**BE IT RESOLVED**, that the following individual(s) be added to the Chili Fire Department active list effective December 4, 2017:

Thomas J. (T.J.) May

Councilman Brown - Aye  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #273    RE: Chili Fire Department Remove from Active List**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilman Brown**

**BE IT RESOLVED**, that the following individual(s) be removed from the Chili Fire Department active list effective (Various Dates):

Christina Tucker 11/8/2017 & Michael Wainwright 11/13/2017

Councilman Brown - Aye  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #274      RE: SEQR Determination – Local Law #3 of 2017 to Establish a six-month moratorium on Massage Therapy Business Approvals**

**OFFERED BY: Councilwoman Sperr      SECONDED BY: Councilman DeCory**

**WHEREAS**, the Chili Town Board has received the proposed Local Law #3 of 2017 for the adoption of the Establishment of a six month moratorium on Massage Therapy Business Approvals; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili, having reviewed the SEQR regulations hereby determines that the adoption of Local Law #3 for the Establishment of a six month moratorium on Adult Use Approvals is to be considered a Type II action.

Councilman Brown - Aye  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #275      RE: Adoption of Local Law#3 of 2017 Establishing a six-month moratorium on Massage Therapy Business Approvals in the Town of Chili**

**OFFERED BY: Councilman DeCory      SECONDED BY: Councilwoman Sperr**

PURSUANT TO A CALL OF A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK, WHICH WAS DULY HELD AT THE TOWN HALL, 3333 CHILI AVENUE, ROCHESTER, NEW YORK 14624 ON THE 13th DAY OF DECEMBER, 2017 AT 7:00 P.M

**WHEREAS**, a proposed Local Law #3 of 2017 was introduced to the Town Board of the Town of Chili, by Councilwoman Sperr on the 11th day of October, 2017; and

**WHEREAS**, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 15th day of November, 2017, a public hearing was held at the 7:00 p.m. to consider adoption of the proposed Local Law #3 of 2017 “to establish a six month moratorium on Massage Therapy Business Approvals; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Local Law #3 of 2017 is hereby enacted by the Town Board of the Town of Chili.

Duly put to a vote as follows:

Present:

Councilman Brown - Aye  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

**RESOLUTION #276 RE: Letter of Credit Release #9 for Rose Hill, Phase 1**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown**

**WHEREAS**, that per recommendation of the Commissioner of Public Works and Town Engineer that \$28,756.92 be released from the letter of credit #520005477 with Bank of Castile for Rose Hill, Phase 1, leaving a balance of \$384,167.75; subject to engineering fees and street light bills to the Town.

Councilman Brown - Aye  
Councilman DeCory - Abstained  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

**RESOLUTION #277 RE: Letter of Credit Release #6 for Carriage House, Section 3**

**OFFERED BY: Councilman Brown SECONDED BY: Councilwoman Sperr**

**WHEREAS**, that per recommendation of the Commissioner of Public Works and Town Engineer that \$15,301.00 be released from the letter of credit #520005347 with Bank of Castile for Carriage House, Section 3, leaving a balance of \$115,583.70; subject to engineering fees and street light bills to the Town.

Councilman Brown - Aye  
Councilman DeCory - Abstained  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

**RESOLUTION #278 RE: Establish Letter of Credit for 420 Ballantyne Road**

**OFFERED BY: Councilman DeCory SECONDED BY: Councilman Brown**

**BE IT RESOLVED**, that per the recommendation of the Commissioner of Public Works/Superintendent of Highways and Town Engineer that a letter of credit be established for 420 Ballantyne Road in the amount of \$161,652.96.

Items within the letter of credit include, but are not limited to erosion and sediment control features, storm sewers and post construction storm water management facilities.

Councilman Brown - Aye  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

**RESOLUTION #279 RE: Snow and Ice Removal Agreement – Rose Hill, Section 1**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery**

**BE IT RESOLVED** to authorize the Town Supervisor to execute an Agreement between the Town of Chili and Forest Creek Equity Corp to allow for snow and ice removal operations for Rose Hill Estates, Section 1 subject to the review and acceptance by the Counsel for the Town.

Councilman Brown - Aye

Councilman DeCory - Abstained  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #280 RE: Snow and Ice Removal Agreement – Carriage House, Section 3**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** to authorize the Town Supervisor to execute an Agreement between the Town of Chili and Forest Creek Equity Corp to allow for snow and ice removal operations for Carriage House Estates, Section 3 subject to the review and acceptance by the Counsel for the Town.

Councilman Brown - Aye  
Councilman DeCory - Abstained  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #281 RE: Set Public Hearing for Creation of Rose Hill Sidewalk District**

**OFFERED BY: Councilman Brown SECONDED BY: Councilwoman Sperr**

**WHEREAS**, a written petition, dated December 8, 2017, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Chili, Monroe County, New York for the creation of the Rose Hill Sidewalk District to serve Rose Hill Estates, Section 1-4 subdivision, Tax ID#'s 159.01-01-3.1 and 159.01-002.1 more particularly described in Schedule A attached hereto and incorporated herein by reference; and

**WHEREAS**, the petitioners shall pay all costs relating to the formation of the proposed district, as well as the construction and installation of all sidewalks and related improvements therein in accordance with the map and plans filed with the petition; and

**WHEREAS**, except as otherwise provided above, all expenses of the Rose Hill Sidewalk District including all extensions heretofore and hereafter created, shall be a charge against the entire area of the district, as extended; and

**WHEREAS**, the proposed district creation is an Unlisted Action for the purposes of the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQRA"); and

**NOW THEREFORE, it is hereby, RESOLVED** that the Chili Town Board is hereby designated "Lead Agency" for the environmental review of this proposed action; and be it

**ORDERED**, that a meeting of the Town Board of the said Town of Chili shall be held at the Chili Town Hall, 3333 Chili Avenue, Town of Chili, New York on the 17th day of January, 2018, at 7:00 p.m to consider the said Petition and to hear all persons interested in the subject thereof and for such other action on the vote of said Town Board in relation to the said Petition as may be proper or required by law; and it is further

**ORDERED**, that the Town Clerk of the Town of Chili is hereby authorized and directed to publish a copy of this order in the Gates Chili Post and post a copy of the same on the bulletin board in the Office of the Town Clerk, not less than ten (10) days, but not more than twenty (20) days, prior to the date set for said public hearing.

Councilman Brown - Aye  
Councilman DeCory - Abstained  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #282 RE: Set Public Hearing for Consolidated Lighting District #1 to Serve Rose Hill Estates Section 1-4**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr**

**WHEREAS**, a written petition, dated December 8, 2017, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Chili, Monroe County, New York for the extension of the Chili Consolidated Lighting District #1 to

serve Rose Hill Estates, Section 1-4 subdivision, Tax ID#'s 159.01-01-3.1 and 159.01-002.1 more particularly described in Schedule A attached hereto and incorporated herein by reference; and

**WHEREAS**, the petitioners shall pay all costs relating to the formation of the proposed district extension, as well as the construction and installation of all poles, wires, lights, manholes, connections and related equipment and improvements therein in accordance with the map and plans filed with the petition; and

**WHEREAS**, except as otherwise provided above, all expenses of the Chili Consolidated Lighting District #1, including all extensions heretofore and hereafter created, shall be a charge against the entire area of the district, as extended; and

**WHEREAS**, the estimated cost to the typical property, and, if different, the typical one or two family home within the Chili Consolidated Lighting District, in the first year following the formation of the district extension for operation and maintenance charges, is as follows:

Typical Property: \$0.20

Typical One or Two Family Home: \$0.20

**WHEREAS**, the proposed district extension is an Unlisted Action for the purposes of the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQRA"); and

**NOW THEREFORE**, it is hereby,

**RESOLVED**, that the Chili Town Board is hereby designated "Lead Agency" for the environmental review of this proposed action; and be it

**ORDERED**, that a meeting of the Town Board of the said Town of Chili shall be held at the Chili Town Hall, 3333 Chili Avenue, Town of Chili, New York on the 17th day of January, 2018, at 7:00 p.m. to consider the said Petition and to hear all persons interested in the subject thereof and for such other action on the vote of said Town Board in relation to the said Petition as may be proper or required by law; and it is further

**ORDERED**, that the Town Clerk of the Town of Chili is hereby authorized and directed to publish a copy of this order in the Gates Chili Post and post a copy of the same on the bulletin board in the Office of the Town Clerk, not less than ten (10) days, but not more than twenty (20) days, prior to the date set for said public hearing.

Councilman Brown - Aye  
Councilman DeCory - Abstained  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #283 RE: December 6, 2017 Abstract**

**OFFERED BY: Councilman DeCory      SECONDED BY: Councilman Brown**

**WHEREAS**, January 4, 2017 Resolution #1 authorized vouchers to be paid December 6, 2017, by all Council signing an authorization form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 26075-26083, 26096-26097, 26101, 26103, 26105-26106, 26110-26112, 26114-26116, 26118-26126, 26128-26132, 26134-26135, 26137-26138, 26140-26145, 26147, 26149-26150, 26152-26155, 26157-26165, 26167-26170, 26172-26177, 26179-26187, 26189-26195, 26198, 26200-26201, 26203-26217, 26219-26222, 26224-26225, 26228, 26235, 26280-26281, 26359-26360, 26379, 26392-26393, 26472, 26475-26477, 26479, 26484-26488, 26492-26496, 26500-26502, 26507-26511, 26517-26532, 26547-26593, 26595-26598, 26600-26606, 26608-26616 totaling \$810,697.61 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record vouchers 26075-26083, 26096-26097, 26101, 26103, 26105-26106, 26110-26112, 26114-26116, 26118-26126, 26128-26132, 26134-26135, 26137-26138, 26140-26145, 26147, 26149-26150, 26152-26155, 26157-26165, 26167-26170, 26172-26177, 26179-26187, 26189-26195, 26198, 26200-26201, 26203-26217, 26219-26222, 26224-26225, 26228, 26235, 26280-26281, 26359-26360, 26379, 26392-26393, 26472, 26475-26477, 26479, 26484-26488, 26492-26496, 26500-26502, 26507-26511, 26517-26532, 26547-26593, 26595-26598, 26600-26606, 26608-26616 were paid from the following funds:

General Fund	\$	413,391.98
Highway Fund		302,122.80
Library Fund		81,912.43
Drainage District		102.00
Street Lighting Districts		13,168.40
Total Abstract	\$	810,697.61

Councilman Brown - Aye  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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The next meeting of the Chili Town Board will be recessed until Friday, December 29, 2017 at 12:00 p.m. in the Town of Chili, Town Hall Main Meeting Room.

The meeting was adjourned at 9:05 p.m.