

CHILI TOWN BOARD
March 15, 2023

A regular meeting of the Chili Town Board was held on March 15, 2023 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 DeCory; Councilman Slattery, Councilwoman Sperr, Councilman Valerio and Supervisor David Dunning.

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

The invocation was given by Virginia Ignatowski.

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

PRESENTATIONS/ANNOUNCEMENTS:

1. Mr. Thomas, LandTech, Incentive Zoning proposal 296 Fisher Road.

SUPERVISOR DUNNING: We have two presentations this evening, both of which came out of the last Zoning Board of Appeals meeting. The first we'll hear is from Mr. Thomas. I know people from LandTech aren't here for the incentive zoning proposal for 296 Fisher Road. For sake of the public here and public that will be listening, I would just like to say both -- this applicant and the other applicant that are coming before us for these presentations were at the Zoning Board of Appeals. There was not -- there was a quorum, but there were -- four members of the Board present -- Planning Board. I'm sorry. I said "Zoning Board." Planning Board. I'm mixing it up with the last one. The Planning Board, excuse me.

And these -- both these applications were voted on 2 to 2. Basically leaving the decision back to the Town Board to determine what to do with these applications.

On this first application there was a determination that it probably would be best if this applicant come back with a different proposal for incentive zoning based on the information that was heard at the Planning Board meeting. After reviewing those minutes and seeing what the feedback was there, we felt it was in the best interest of all involved that the applicant come back with a different incentive, which he has agreed to do.

With that, Mr. Thomas, if you would please -- by all means, please give us your presentation.

MR. THOMAS: Good evening. Evening, Supervisor Dunning and honorable Board members. On behalf of Taouk Development, I'm Dan Thomas. We are formally requesting the Town Board review the merits of changing the use of this property through the incentive zoning process, Section 500 of the Town Code.

The location in the neighborhood makes this 5-acre parcel more conducive to Limited Industrial use rather than an Agricultural Zoning class. The following information will identify proposed incentives and intended uses of the property.

This 5-acre property is located on the east side of Fisher Road. North and adjacent to the RG&E substation, 300 Fisher Road. And the high voltage power lines that cross Fisher Road. The property is located in close proximity to the Monroe County Airport, the CSX Railroad and the Wegmans Corporate Office Distribution Center. This property is accessed to public water, gas, electric and sanitary sewer.

A wetland study was completed earlier this year and a determination by both New York State DEC and Army Corps was determined that wetlands are not present on this site. Based on our preliminary research, all existing utilities are adequately sized to handle the expected volumes from this project.

Our proposed project -- our proposed project includes the construction of three buildings, 60-foot wide by 250 feet long. They will be divided into individual leased spaces. Each unit will have its own electric, water and sanitary sewer service. Site will have a large common parking lot for the employee parking and outdoor storage of vehicles and trailers. Proposed buildings are set back 150 feet off of Fisher Road and this site will buffer the adjacent neighbors with existing mature trees and additional evergreen trees proposed.

The orientation of these buildings promote activities inwards and will not direct noise and light off-site. The property will be gated with only access to the tenants and public safety agencies.

The goal and benefits of the Town. This flex space use is a relatively new business model in the Chili community. We have completed several similar style of projects in Webster and Avon and they're very successful and 100 percent occupied.

These spaces are geared towards small businesses that need an office, work space and storage for the operation of their business. Retail use and businesses with a high volume on-site customer activity are discouraged. We find that our tenants move their operations from their suburban homes and improve the quality of the life in the residential neighborhoods. Historically tenants include, you know, landscapers, painters, floorers, masons -- pretty much the trades in general. You know, it's -- it's a really good service that we offer.

We have reviewed the Town's Comprehensive Plan and more particularly the Airport Major Investment Study Area and -- and the study space.

We strongly believe that this requested incentive zoning is -- is in the spirit and goals of the Master Plan and will be an asset to the Town of Chili. Due to the relatively small size of this property, we do not have the ability to offer the Town typical incentive such as open space, agricultural classification, road or utility improvements.

Therefore, we would like to donate \$40,000 towards the construction of a new dog kennel to serve the residents of Town of Chili. We look forward to presenting to the Town Board -- I'm sorry. I'm reading off this. I apologize. I'm sorry if I sound scripted, but I'm kind of a novice.

COUNCILMAN SLATTERY: Do you need a commercial break?

SUPERVISOR DUNNING: You're doing fine.

MR. THOMAS: That's pretty much it. If I can answer any questions, or --

SUPERVISOR DUNNING: I -- I would also just like to offer the Board this is exactly the same proposal we did hear before that we sent to the Planning Board for their -- their review and recommendation. Nothing has changed outside of the incentive. Original was to build a dog kennel this facility. That has gone away.

Now he's willing to help contribute to the construction of a new kennel at -- which you're all aware of. We have been working on it with Mr. Lindsay and our engineers. So that is really -- unless I'm mistaken, that is the only change.

Correct, Dan (Thomas)?

MR. THOMAS: That's correct.

COUNCILMAN SLATTERY: So, Dan (Thomas), if I could, please. The hours of operation -- I know that is one concern, if people are going to be there all hours of the night. I know there are some other storage units where you mentioned different businesses. Because in Chili, we had some people that operated businesses out their home, landscapers, tile, you know -- people in the trades and so they would store their materials and stuff in a storage unit, go there, pick it up in the morning and go there at night and return some of the tools and so forth.

So what are your hours of operation that you would allow if somebody did try to do something out of that facility?

MR. THOMAS: We would be happy to work with the Town to make sure that we have set hours of operation. But typically, I would say probably like a 7 to 6 o'clock, or 7 to 7 type area. We would be happy to work with you guys to make a set hours of operation.

COUNCILMAN SLATTERY: In -- the last time you were here, and I believe with Mr. Sciarra -- I forget -- what --

MR. THOMAS: Sciarabba.

COUNCILMAN SLATTERY: Yes. John. For a moment, I forgot.

One thing we talked about was before you guys came in, at one -- I believe it was at the Planning Board, we had a resident there doing a presentation trying to get a -- or Zoning Board -- a larger structure on his property because he was doing welding. And so his neighbors were complaining because of the type of operation that he was doing, the noise and so forth. And so -- if he went to some place like this, then that would help that residential neighborhood.

So I -- I -- I am pleased to see something like that. I just -- the hours of operation is one thing that I would just work with you on -- or then the Town Board would.

And then you mentioned storage of vehicles and so forth. RVs, what have you. How many spaces would you have allocated for something like that?

MR. THOMAS: So from what -- from what I understand on an engineering aspect, they would have to meet whatever is -- whatever is determined by the Town for the parking. Right? And then if there is anything left over, I think it would probably go towards tenants. We're not targeting towards RVs and things like that. We're targeting towards a small landscaper who has a little dump truck or a trailer, pull in, leave their trailer there at night and then pull in and get out.

COUNCILMAN SLATTERY: Wouldn't be stuck in a residential neighborhood that their neighbors all of sudden have to look at this sitting out in the lawn or out in the street in front of the property and so forth.

MR. THOMAS: Cleaning up sealer tanks and all -- cleaning up the streets of Chili is what we would like to say.

COUNCILMAN SLATTERY: Or neighboring communities, as well.

MR. THOMAS: Yes.

COUNCILMAN SLATTERY: Because we talked -- as David (Dunning) -- Supervisor mentioned, we did talk about you coming in before so we did ask a lot of questions before us, so -- just with that change of use, it just opened up additional space.

COUNCILMAN VALERIO: Since the last time we talked -- I know this was asked -- I know that hours of operation is going to come into this and -- and how many tenants you have, but with some work trucks coming down the street, obviously that might bring some concern with some of the neighbors.

Has there been any outreach yet with the neighbors concerning that?

MR. THOMAS: Yes. I sent a letter to the adjoining neighbor -- I believe it was 293 -- I would have to look at the plan here. I would have to find it. I'm sorry. But 293 Fisher Road. I reached out to him. I talked to him on -- or 294. I apologize.

Then we actually talked to him at the Planning Board meeting. He told us what his major concerns were. You know, we -- we kind of tried to talk through it. We have a really good setback off the road. We have a good buffering between the neighbors and everything else.

Another one of his concerns, which might be more of a Planning issue, was he was concerned that the road had a weight limit, which I checked with DOT and it doesn't.

But we're not really looking for like large vehicles. We're kind of looking for like a smaller, more -- like landscape, you know, smaller.

COUNCILMAN SLATTERY: Trailer-type thing.

MR. THOMAS: Yes. Something along those lines.

COUNCILMAN SLATTERY: Dump trailer.

MR. THOMAS: Not concrete trucks or anything else like that.

COUNCILMAN SLATTERY: If I could, Dan (Thomas), since you did say -- I will go to our Highway Superintendent, Dave Lindsay. That being a Town road, the weight limit that we would have there is a seasonal one or is it year-round consistent?

DAVID LINDSAY: It is posted -- weight-limit posted, but I don't have a record of a reason for that. If it was strictly related to the structural capacity of the road or if it had to do with maybe a desire to limit heavy vehicles because you have a residential component further north there.

COUNCILMAN SLATTERY: Historically, the DOT, the State, County, Town, what have you, would do a review periodically why that weight limit is on that road. As our Superintendent mentioned, maybe structurally when it was built originally, it couldn't withstand some of the trucks. But you look next door, you have RG&E and what they have within their facility alone.

So -- and -- and I -- I really -- and then the school buses that travel down there. I really don't see that as a big commercial cut-through for -- for vehicles, as well. So -- it's not -- they

have Paul Road. You have Chili Avenue. You have Beahan Road going around the airport.

COUNCILWOMAN SPERR: Did your neighbor express any concerns about trucks, you know -- as you're warming up trucks in the morning, as they're running and that noise? We have heard that from another commercial development in Town and I wondered if that would have been --

MR. THOMAS: No. I just -- he didn't express that concern. I think he -- he was more -- he didn't know -- you know, he has lived there for 30-something years. It's been just a vacant lot for 30-something years. I think he just had some general concerns just like anyone would have that there is a possible new development. We exchanged phone numbers. He was really nice.

COUNCILWOMAN SPERR: Good. Okay.

MR. THOMAS: He had real concerns that we addressed. He actually started helping us out on the project. He started telling us like where things were draining and "If I were you, I would do this."

So I think we had some pretty good feedback from him.

COUNCILWOMAN SPERR: Okay.

MR. THOMAS: I don't think anyone -- I think we left it as he is going to give me a call and I will give him a call type of thing.

COUNCILMAN SLATTERY: Dan (Thomas), could you point out on the map where exactly his parcel is, his house?

MR. THOMAS: So his house is right here (indicating).

COUNCILMAN SLATTERY: Okay. So he's that first house. I believe he has a barn or something in the back of his property and there is some storage of other material there?

MR. THOMAS: Well, there's like a more commercial property over here (indicating). And this (indicating) is very industrial. Across the street is industrial. This is his house here (indicating). We have a lot of buffering here (indicating) and we have a huge setback here (indicating) to give us distances. We would be happy to work with him when we do start cleaning, if we do start clearing, to leave as much natural, you know, coverage up as possible.

SUPERVISOR DUNNING: Who -- who ends up managing this property? Do you?

MR. THOMAS: Yes. I would end up managing it.

SUPERVISOR DUNNING: So if he had any concerns, he would be using that number you gave him, your personal number --

MR. THOMAS: Oh, yeah.

SUPERVISOR DUNNING: -- for any concerns about noise or anything that would create any problems?

MR. THOMAS: Yes. I would like -- I would like it for him to give us a call if there is something going on. It is nice to be friends with your neighbors.

SUPERVISOR DUNNING: I was just looking if you had a third-party-type management of the facility or not or if it was you.

MR. THOMAS: As of right now, it is us.

SUPERVISOR DUNNING: The same with -- is that the same with the facility you have in Avon? Are you managing that also or is that third-party?

MR. THOMAS: Yeah, no. That's all managed -- self-managed. It ends up being pretty -- so the one in Webster is pretty -- Avon is still pretty new, but the one in Webster, like when you start -- these people move in; they don't want to leave. You know what I mean?

So everyone kind of looks out for it. There is rules. There is hours of operation out there, as well. It works out quite well.

SUPERVISOR DUNNING: But if there is a problem in the building, who do they call?

MR. THOMAS: Us.

SUPERVISOR DUNNING: It's not another management company. They're calling you to fix it, right?

MR. THOMAS: Yep.

COUNCILMAN SLATTERY: You did say it is gated?

MR. THOMAS: Yes.

COUNCILMAN SLATTERY: Will it be a fence around the perimeter or how will that be managed?

MR. THOMAS: We're going to kind of work with the Town on that. We don't know how they would want that.

COUNCILMAN SLATTERY: I don't want to get into Planning Board stuff.

MR. THOMAS: Back is actually pretty heavily wooded. I guess -- once we get into Planning we'll have to take a look at that.

COUNCILMAN DECORY: That's gated. Is that locked at night then?

MR. THOMAS: Yes. Actually, I was going to propose like an automatic slide gate. So it would be locked and everything else with cameras and everything.

SUPERVISOR DUNNING: So renters would have a token or something that they would --

COUNCILMAN SLATTERY: Fob.

SUPERVISOR DUNNING: -- to get --

MR. THOMAS: Key fob on their key chain.

SUPERVISOR DUNNING: Whatever.

COUNCILMAN SLATTERY: He still has a Rotary phone. (Laughter.)

SUPERVISOR DUNNING: You think this is easy. Any other questions? Or comments? Any other comments, questions?

COUNCILWOMAN SPERR: No. No concerns. Thank you very much.

SUPERVISOR DUNNING: At this point, this is left to the Town Board to decide on the incentive zoning. I'm going to say that we should discuss this at some point further and let Mr. Thomas know.

Our next step would be to set a Public Hearing for the incentive zoning. I don't think it has to go back to -- does it have to go back to Planning Board?

DAVID LINDSAY: I think so.

SUPERVISOR DUNNING: Because of the change in the incentive.

DAVID LINDSAY: I think so.

SUPERVISOR DUNNING: Jared (Hirt)?

JARED HIRT: This is the first time we're hearing of the change of incentive. Planning has not?

SUPERVISOR DUNNING: Correct.

JARED HIRT: Yeah.

SUPERVISOR DUNNING: Then I stand corrected. You will need to go back to the Planning Board. You want to get with Paul (Wanzenried) to get scheduled with the Planning Board for a recommendation. I hope we have a full Board for you to get in front of this time. And at which time they'll provide a recommendation back to us and then we can further consider the application.

Unless there is some objections from the Board at this time, I say please feel free to get ahold of Paul (Wanzenried) and get back with the Planning Board.

MR. THOMAS: Thank you. Appreciate it.

2. Kris Schultz, presentation for properties located at 4415 & 4423 Buffalo Road.

SUPERVISOR DUNNING: Our next presentation is from Kris Schultz for the properties at 4415 and 4423 Buffalo Road. This, I will say -- I want to thank Mr. Schultz for providing us with some information ahead of time for the Town Board to be able to go over and review. We always appreciate being able to take a look at it before we get into this presentation. So thank you for that -- that consideration.

Also, just for the sake of the public here and the public that's -- the three people watching on YouTube right now, that -- again, this -- this application came before the Planning Board. It was a 2-2 vote. There wasn't enough people at the Planning Board to give a decision either way. Considered to -- basically come back to the Town Board to consider the proposal further and then make a decision where we go from here.

COUNCILMAN SLATTERY: Kris (Schultz), if you want -- can you put it on this side and maybe angle it a little bit? And maybe the folks in the audience can see a little bit.

MR. SCHULTZ: Sure.

COUNCILMAN SLATTERY: There you go. That would be great. We have the plans, so thank you.

MR. SCHULTZ: All right. So yep, we are back before the Board. This is round two, so to speak. We came in earlier with a slightly different project and review by the Planning Board. We have gone ahead and changed some things out. What we are proposing is basically the redevelopment of 4415 through 4423 Buffalo Road.

Currently, if you go out there, you will see a two-story existing professional office building that is soon to be vacant. They have owned the property for a number of years. There is a trend for professional office to go to one-story. So the idea here is to potentially redevelop the entire site. What we're asking the Board for is to rezone two parcels on the west side of the property, which consists of the 4423 and a new lot created just recently through the Planning Board approval of a preliminary subdivision. And that lot would contain the existing two-story building.

So basically you have the existing two-story building here (indicating) which we're looking to convert over to apartments. You have the proposed one-story professional office building to the east. And then you have this vacant parcel which would now contain three townhouse buildings.

My clients have a development just around the corner in the Town of Ogden that has a number of townhouse buildings and idea was to bring the most popular layout that is currently being constructed and propose it on this site.

The benefit to this layout, certainly it reduces the height of the building. These will be two-story units. They will each have garages with driveways so parking is no longer a concern associated with the townhouse portion. And this plan basically generates a transition from General Commercial through multi-family to single-family, which is oftentimes how zoning overall is done throughout the Town.

I do have some details on each of the proposed portions. This is the proposed one-story commercial building that would be set up for professional offices. It has a hip roof. All -- all portions of the development will have similar architecture and colors. They're all tied together. This building is -- looks good from all four sides.

So -- Attridge Road, Buffalo Road, a lot of visibility into the site. And this is very much sought after for -- for professional offices. The plan has parking right at the curblane proximate to the entrances so there would be a lot of ease of access.

COUNCILMAN SLATTERY: Kris (Schultz), if I could, while you're talking about that building, square footage for the entire building, what would that be?

MR. SCHULTZ: I will get right on it.

COUNCILMAN SLATTERY: It says area.

MR. SCHULTZ: 4,050 square feet. So that would be -- each of the units would be just over 2,000 square feet.

COUNCILMAN SLATTERY: Then you anticipate just -- say medical just for example. Not saying that is going to happen. But then you would have medical occupying that whole one-half of the building?

MR. SCHULTZ: Yes.

COUNCILMAN SLATTERY: You're not looking to break it up into quarters? You're looking at half.

MR. SCHULTZ: 2,000 square feet works for dentists, MDs. That is a great size, most sought after.

This is the rendering of the renovations associated with the existing two-story building. There will be kind of an addition put on the south end which would allow for a secondary access lobby and elevator. Right now the current building does not have an elevator and that is one of detractions for the tenants that have used it over the years. It's hard having their patients hoof up the stairs.

COUNCILMAN SLATTERY: Basically, Kris (Schultz), when you -- one of your statements was you would redevelop the entire site. You have the existing building that you just made a little presentation regarding and so the bones of the building, I assume, are good. So then you just basically will be adding on the south side where you said an elevator --

MR. SCHULTZ: Correct.

COUNCILMAN SLATTERY: Will there be an out -- interior elevator or would that be just -- just one?

MR. SCHULTZ: This is the entrance on the south side where you come in and that's where the stairwell and new elevator would be located here (indicating). So you would have an opportunity to come in here (indicating). The existing --

COUNCILMAN SLATTERY: The front door for the current building is on the east side?

MR. SCHULTZ: Yep. Yep. That would be -- so you would have still have access on the east side.

COUNCILMAN SLATTERY: But then -- my -- my question was then there is only going to be one elevator, correct?

MR. SCHULTZ: Yes.

COUNCILMAN SLATTERY: South side.

MR. SCHULTZ: Yep. Yep.

COUNCILMAN SLATTERY: I don't believe there is currently one there.

MR. SCHULTZ: Right. There is no elevator. It is stairwells.

So again, this would develop into apartments that would be, you know, all contained in the existing shell -- within the addition on the south side. So no change in height or footprint of that building whatsoever. Of course, the exterior would be dressed up to mimic the balance of the project.

I also have a rendering of -- of a townhouse. This one came right from the development in Ogden. You see -- Emerald Point Landing is on the corner of Whittier Road and the corner of Buffalo and I think my client would be more than happy to show any of the Board members if they would want to tour these units.

These were developed as basically high-end units. Before they got into it Joe (Gizzi)'s family spent a bunch of time looking at all different projects all over the County and outside of the County, particularly to find the most popular layouts of units that work the best and they basically cherry-picked those units.

This Townhouse, as you can see, that's a single-car garage for each unit. And it's expandable by adding additional units in the center. So the layout that we have here we're showing 7 units, 7 units and 6 units for a total of 20 townhouses. The original development had a three-story building, I believe, with 26 units. So this is a reduction in the number of units.

We're hoping that the additional value of the rent will offset so that the net won't be such a hit between what was hoped to do last time and what we're actually doing -- proposing now.

You know, obviously with townhouses -- you tend to get folks that will rent for a long period. They tend to stick around. The whole project itself will be maintained by my clients. They do not have a -- a separate service come in and do property maintenance. They have a number of projects in the area and I welcome the Board to tour any of their developments and see they're all very well maintained. They take a lot of pride in their projects.

COUNCILMAN DECORY: Kris (Schultz), you said they're high-end townhouses.

Can you give us an idea of like a ballpark?

MR. SCHULTZ: Oftentimes you go in a townhouse and you walk in and the kitchen and -- you may see, you know, cheap cabinets, Formica, you know, flooring that has -- the cheaper stuff, things like that. Trim that is not what you would consider -- what you would want in your own house.

Comments I have gotten from folks that moved into their development -- they're very happy. These do not rent at -- at a rate that's bargain basement by any means and the other thing is they're really careful who they rent to. They're looking for folks that are good neighbors, who are going to be there for a good amount of time and won't have an issue taking care of their units. They're not in a position where they have to rent the units out so they can, again, be careful who they rent to.

And my -- I figure for them having to take care of it themselves, they have learned it's better to spend a little bit of extra time getting in quality tenants and that will help with any issues later on.

COUNCILMAN SLATTERY: Kris (Schultz), one thing you mentioned -- I'm sorry, David (Dunning).

One thing you talked about was some of the changes.

Can you be more specific the changes that -- from the old plan to this plan? One thing that I just like about it is not having that commercial. Because, you know, when you are looking at Chili -- we're -- they call us an in-between Town. We're not Henrietta. We're not a Greece. We don't have the population, 100,000 people and so forth.

So and then if you're going to start bringing in commercial, which I look at these other developments that have the commercial on first floor, residential, second, third, what have you -- I like that we don't have that aspect here. Because for us, from our standpoint -- there is only so many nail salons, barber shops, businesses similar to that that you can have with the population we have. Even considering our neighboring towns. Riga doesn't have that population. They have some little strip plazas within the village.

But when you start -- where are you going to get those businesses from? So you need the people to support those. What I don't want to see is vacant space. You know, as everybody knows, Walgreens we have been dealing with that one sitting vacant up in the -- in the middle of Town. So I'm glad that we don't have the commercial aspect from that.

But can you talk a little bit about the other changes -- specific changes from the last plan to this plan?

MR. SCHULTZ: The last plan, there were a couple real obvious issues that the Planning Board brought up and the Town Board. One was that it was a three-story proposed building. The mass of the building, even with landscaping and everything you would potentially do, it still represented a big potential visual impact.

Everything here we propose is two-story. It's comparable to the existing professional office building. It's set up so that, you know, it will fit in well with the surrounding neighborhood. You know, as you mentioned, you know, we're not looking for retail space. We're hoping to get folks here, living here that will use the retail space across the street and down Buffalo Road.

So all in all, you look at what would happen, you know, for example, if this didn't go through and the two-story professional office building stayed as it is. What you would probably be looking at is a vacant building that would probably end up having to be tore down just for the cost of -- of being able to keep a building up. If you don't have tenants in there, you know, you're just bleeding financially. And as mentioned before, it's almost like what Kodak went through when they downsized. They were just knocking down buildings right and left because they wanted to save taxes. They had no prospect that was going to rent out; then why keep the building? Last thing you want to do is take a loss associated with ripping down basically a building that is structurally sound and should be re-purposed.

COUNCILMAN SLATTERY: And, Kris (Schultz), just to follow up with that then, you touched briefly on it, but also looking at the traffic impact. Now not having that commercial. So you're not going to have the vehicles coming and going. It's going to be -- maybe they get up, go to work in morning, come back, evening, what have you. And so then you will have less traffic there. So I think from the State DOT -- because you did close the access on the County Road and now you'll be just going out onto Buffalo Road, so I think that's a positive.

Parking, because now you're not going to have that commercial development, as well. Residential, you look at what you have here in the proposed, so some -- you know, with the existing building you're looking at, there's some studios in there, so you will be limited on, you know, the number of residents residing there and so forth.

And then the other ones, the new one-, two-bedroom, three-bedroom, what have you. But when you look at the traffic impact, the parking impact -- so I think that is important, as well.

Do you see the overall footage -- the plan that you have then -- so you can -- you didn't develop as much of that as you did for this one on -- from the last one?

MR. SCHULTZ: The last one had a lot more blacktop space associated for parking. We didn't have the benefit of the garages. The buildings, the townhouses shown all have an internal garage. That is part of the footprint of the building itself. This one does have a lot more green space. These buildings -- these townhouse buildings are set back-to-back, so you have all the area between --

COUNCILMAN SLATTERY: Common area.

MR. SCHULTZ: -- is common. So you're coming down Buffalo Road and not looking at the back of a building. You will see garage doors, driveways, very similar to what you would see with a single-family residential, but folks are barbecuing and throwing the frisbee will be behind the building. And same set-up here.

The building here (indicating), rear yards here (indicating) so you will just see the end portion of the building. There will certainly be sufficient landscaping space to shield that also.

COUNCILWOMAN SPERR: Kris (Schultz), speaking of that building, it just occurred to me, had you given any thought to any of these units having two-car garages so that -- just because -- it would fit on that one maybe. But I don't know about the other two.

MR. SCHULTZ: We looked at it. And what basically happens is -- it's a different unit. It changes out the floor plan significantly if you try to put two-car garages in. You may have seen some -- some developments where they put the two-car garages and the only remaining space on the front of the building is just a little corridor to get in. You end up with this building that is all

garages and they have these little tunnels and it's only part of the front of the building and --

SUPERVISOR DUNNING: College Greene.

COUNCILWOMAN SPERR: Like College Greene. Yep. That makes sense.

MR. SCHULTZ: And realistically, it's nice to have a garage. It's not essential. But --

COUNCILWOMAN SPERR: Okay.

MR. SCHULTZ: If I lived there with my wife, my wife has the garage and I'm parked in the driveway. That's the way it goes.

COUNCILMAN SLATTERY: Then also just getting back from that parking and your footprint, how it has been reduced, you talk about having pavement that will also help with the drainage because then you will have more of the lawn area to absorb that drainage and so forth.

MR. SCHULTZ: Yes, sir.

COUNCILMAN SLATTERY: If you didn't, it was paved, it would get to the pond whatever quicker and so forth.

SUPERVISOR DUNNING: Yes.

COUNCILWOMAN SPERR: I do like the fact that the aesthetic of the buildings will all blend in together. I like the looks of the -- of the one you have shown us, this one. I really like the look of it.

MR. SCHULTZ: Very popular unit. I was -- you know --

COUNCILWOMAN SPERR: The stacked stone.

MR. SCHULTZ: Successful townhouse project is starting with the right unit.

COUNCILWOMAN SPERR: Stacked stone makes it look -- I like that look.

SUPERVISOR DUNNING: I believe, and correct me if I am wrong, Kris (Schultz), the renderings that you show -- not that we want to get into Planning issues, but the renderings you showed for the other show a very different color and look to them -- not the style but look. And this -- this is just --

MR. SCHULTZ: This is the rendering we used (indicating) --

SUPERVISOR DUNNING: -- in the Ogden area.

MR. SCHULTZ: -- in the previous ones one to show the consistency.

SUPERVISOR DUNNING: These three buildings would match and be cohesive, correct?

MR. SCHULTZ: Yes. We want it to look like one little community.

COUNCILMAN SLATTERY: Four buildings or three buildings? Because the professional building.

SUPERVISOR DUNNING: Four.

COUNCILMAN SLATTERY: I just heard -- I just heard three.

MR. SCHULTZ: The townhouses.

SUPERVISOR DUNNING: They would all look the same.

COUNCILMAN SLATTERY: Yes. Yep. And then possibly the fifth medical building would be somewhat similar but one-story.

SUPERVISOR DUNNING: That's four, and that's five.

MR. SCHULTZ: So the idea is to have them all look alike, all conceived and built from scratch at the same time to make a little community.

COUNCILMAN SLATTERY: Kris (Schultz), can you do me a favor, on this rendering -- I know this is Ogden, but can you point to the trees that are on the current location? Just kidding.

SUPERVISOR DUNNING: Any other questions from the Board? So I do believe on this application, that this did not have to go back to Planning Board at this time. This would be up to the Town Board to then set a Public Hearing for the consideration of a rezoning. This is not incentive zoning. So I would say at this point, I would -- I would for your consideration -- I will likely prepare a resolution to -- a -- to set a Public Hearing. Not hold. But to set a Public Hearing at our next meeting on April 12th and then we'll go from there. So -- so we'll plan on listening to the public. I would appreciate it if you, Kris (Schultz), or Joe (Gizzi) or -- or someone would be here to represent your project.

MR. SCHULTZ: Absolutely.

SUPERVISOR DUNNING: And we'll -- we'll set a Public Hearing -- you don't have to be here on the 12th, because that's the date we'll set the Public Hearing. There will be no conversation at that point about the project. So we'll set it on 12th for in May, a Public Hearing. Does that work for you?

MR. SCHULTZ: That works great. Thank you.

SUPERVISOR DUNNING: Any concerns from the Board?

VIRGINIA IGNATOWSKI: They just have to come to make application for that and to pay.

SUPERVISOR DUNNING: Understood. Yeah. Pay. Sorry.

COUNCILMAN SLATTERY: That's our Town Clerk.

MR. SCHULTZ: Okay.

COUNCILWOMAN SPERR: Thank you very much, guys.

SUPERVISOR DUNNING: Thank you very much. Appreciate it. Have a good night.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. No speakers addressed the Town Board. The Public Forum concluded at 7:38 p.m.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: Family Bingo. We have Family Bingo coming up on St. Patrick's Day of all days. So Family Bingo will be Friday night over at the Community Center. I understand it's a sold-out performance this year. Know -- I don't know who else will be there. I do plan on being there, hopefully calling a little bit some numbers. It is always a good time. We hope to see a lot of people there.

MATTERS OF THE TOWN COUNCIL:

COUNCILMAN VALERIO: Easter events?

COUNCILMAN SLATTERY: Actually, I just want to say there is a publication out there, the North Chili magazine there, and there was some misinformation in there. So -- so I brought it to Mr. Curley's attention, our Recreation Director. The Easter Egg Hunt is going to be held at Roberts Wesleyan College and not at the Community Center.

And so -- so in the publication it had it listed as the Community Center. I just want to make sure people are aware of that.

COUNCILWOMAN SPERR: Okay.

SUPERVISOR DUNNING: Great.

The 2/8/2023 and 2/15/2023 Town Board meeting minutes were approved.

REPORTS SUBMITTED:

Advanced Payment of Claims – February 2023
Building Department Report – February 2023
Conservation Board Minutes – 1/9/2023, 2/6/2023
Dog Control Reports – February 2023
Historic Preservation Board Minutes – 12/12/2022
Library Board Minutes – 1/24/2023
Monthly Financial Statement – January 2023
Planning Board Minutes – 1/10/2023, 2/14/2023
Recreation/Senior Center Report – February 2023
Town Clerk Report – February 2023
Traffic & Safety Minutes – 2/2/2023
Zoning Board Minutes – 1/24/2023

CORRESPONDENCE:

1. Virginia Ignatowski, Town Clerk has received notification from Earl Bassett, Historic Preservation Board that he has resigned; effective February 20, 2023.
2. Virginia Ignatowski, Town Clerk has received notification from Kristen Yachett, Code Enforcement Officer P/T & Dog Control Officer P/T that she is retiring; effective April 15, 2023.
3. Virginia Ignatowski, Town Clerk has received notification from Julianna Lisak, Recreation Leader that she is resigning; effective March 24, 2023.

RESOLUTION #101 RE: Donation to the Senior Center Trust & Agency Account

OFFERED BY: Councilman DeCory

SECONDED BY: Councilman Valerio

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

WHEREAS, Michael Curley, Director of Parks & Recreation, and the Voices & Visions Committee, a volunteer group of senior citizens, wish to accept a \$200.00 donation from Karen Teske in the Memory of Joanne Napoli, to be deposited into the Senior Center Trust & Agency Account; and

WHEREAS, Michael Curley, Director of Parks & Recreation, and the Voices & Visions Committee, a volunteer group of senior citizens, wish to accept a \$500.00 donation from John & Antoinette Burr, to be deposited into the Senior Center Trust & Agency Account.

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

RESOLUTION #102 RE: Use of Senior Center Trust & Agency Account

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Sperr

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

WHEREAS, Michael Curley, Director of Parks & Recreation, and the Voices & Visions Committee, a volunteer group of senior citizens, wish to use \$200.00 to purchase new cards and games, as well as dessert to be served at the Senior Center.

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

RESOLUTION #103 RE: Fireworks Chil-E Fest

OFFERED BY: Councilman DeCory

SECONDED BY: Councilman Slattery

WHEREAS, the Town of Chili provides professional fireworks as part of the annual Chil-E Festival on June 24, 2023; and

WHEREAS, Young Explosive Corporation has provided the Town with outstanding service at previous Chil-E Festivals; and

NOW, THEREFORE, BE IT RESOLVED, that per the recommendation of Michael Curley, Parks and Recreation Director, that Supervisor Dunning is hereby authorized to enter into a contract with Young Explosive Corporation for the provision of a professional fireworks display at the 2023 Chil-E Festival in the amount of \$12,000.00 to be paid from A7550.4 (Celebrations).

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

RESOLUTION #104 RE: Personnel Policy

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Valerio

BE IT RESOLVED that the Personnel Policy originally adopted by Resolution #46 on January 3, 2022, was reposted with revisions on February 8, 2023, without any comments or objections and shall remain in effect dated March 15, 2023 by Resolution #104.

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

RESOLUTION #105 RE: SEQR Determination for Incentive Zoning of 269 Ballantyne Road

OFFERED BY: Councilman Valerio

SECONDED BY: Councilman DeCory

WHEREAS, the Turner Underground ("Owner") has proposed to construct and operate an off-site parking facility pursuant to an incentive zoning plan (the "Project") on property located at 269 Ballantyne Road (Tax ID: 160.01-1-15.11); (the "Property"); and

WHEREAS, the Planning Board, at its regularly scheduled meeting on December 13, 2022 reviewed the Project and recommended that the Town Board approve the proposed incentive zoning plan; and

WHEREAS, representatives of Turner Underground met with the Town Board at its regularly scheduled meeting on January 11, 2023 to discuss the Project at which time the Town Board conducted a public hearing on said action, solicited and received public comment and has given consideration to the comments provided at said public hearing; and

WHEREAS, the Town Board has reviewed the Project and submitted materials, including the Full Environmental Assessment Form, site plan, description of the Project amenities and incentives, and all other materials submitted in connection; and

WHEREAS, the Town Board is fully familiar with the proposed location, the surrounding parcels, and the larger neighborhood and the Town's master plan; and

WHEREAS, the Project was duly referred to the Monroe County Planning Department, pursuant to General Municipal Law § 239-m; and

WHEREAS, the Town Clerk has submitted a memo to the Town Supervisor indicating that the Town did not receive any correspondences from the involved agencies indicating an objection to the Town Board acting as Lead Agency and has given consideration to any comments received from Involved and Interested Agencies; and

WHEREAS, the Town Board does hereby declare itself Lead Agency in accordance with the New York State Environmental Quality Review Act ("SEQRA") and determines the project to be a Type 1 Action; and

WHEREAS, the Town Board finds that the Full Environmental Assessment Form creates a reasoned elaboration of the impacts likely to result from the Town Board's action to approve the proposed Action; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full Environmental Assessment Form; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has considered the list of potential environmental effects set listed in section 617.7, taken a hard look at all potentially adverse environmental impacts as set forth in SEQRA and engaged in a reasoned elaboration of the submitted information, analysis above and all supporting documentation and has concluded that the action will NOT result in a significant adverse environmental impact; and

BE IT FINALLY RESOLVED, that the Town Board does hereby make a Determination of Non-Significance on said Action and directs the Town Supervisor to sign and date the Full Environmental Assessment Form and the Negative Declaration Form.

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

RESOLUTION #106 RE: 269 Ballantyne Road - Incentive Zoning

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman DeCory

WHEREAS, On November 16, 2022, DDS Company, representing Rhett Turner. Appeared before the Town Board for consideration of Incentive Zoning for 269 Ballantyne Road in the Town of Chili; and

WHEREAS, the Town Board voted unanimously in favor of consideration and pursuant to §500-106 of the Chili Town Code, referred the matter to the Planning Board for review and recommendation; and

WHEREAS, the applicant appeared before the Planning Board on December 13, 2022, where the application for incentive zoning received a unanimous vote in favor of the incentive; and

WHEREAS, On January 11, 2023, a public hearing was held by the Town Board and after due consideration of the comments at the public hearing and Planning Boards recommendation; and

BE IT RESOLVED pursuant to §500-107 of the Chili Town Code, the Town Board hereby approves the incentive zoning for 269 Ballantyne Road as follows; and

The applicant will provide an incentive payment in the amount of \$30,000.00 in exchange for the Incentive Zoning request and the payment will be remitted to the Town before the building permit is issued.

BE IT FURTHER RESOLVED, that incentive payment(s) will be deposited into the Town of Recreation Facility Reserve Fund.

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

RESOLUTION #107 RE: Clifton Fire Department Active List

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Valerio

BE IT RESOLVED that the following individual(s) be added to the Clifton Fire Department active list effective March 7, 2023:

Ethan Ruszanowski

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

RESOLUTION #108 RE: 2023 Budget Amendments

OFFERED BY: Councilman Slattery SECONDED BY: Councilman DeCory

BE IT RESOLVED to increase expense budget A1620.2 (Buildings - Equipment) by \$400,000.00; and

BE IT FURTHER RESOLVED, to amend the General Fund appropriated fund balance to \$1,910,000.00 from the 2023 adopted budget amount of \$1,510,000.00.

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

RESOLUTION #109 RE: Use of the Insurance Reserve

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, the Insurance Reserve was established by the Town Board in 2003 in accordance with the terms and conditions as outlined in General Municipal Law §6-n to fund certain expenditures incurred from a loss or claim against the Town that are not covered by the Town's insurance policies; and

BE IT RESOLVED to utilize funds from this reserve to cover losses experienced due to an equipment accident, expenses not to exceed \$10,000.00, to be paid from A1620.4003.0089 (Building – Insurance Reserve).

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

RESOLUTION #110 RE: Chili Fire Department Active List

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Valerio

BE IT RESOLVED that the following individual(s) be added to the Chili Fire Department active list effective March 13, 2023:

Jordan Wood

Councilman DeCory - Aye
Councilman Slattery - Aye

Councilwoman Sperr - Aye
Councilman Valerio - Aye
Supervisor Dunning - Aye

RESOLUTION #111 RE: Chili Fire Department Remove from Active List

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Valerio

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

Joseph Miller (3/8/2023)

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

RESOLUTION #112 RE: Amendment of New York State Snow and Ice Contract

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

WHEREAS, the Town Board of the Town of Chili on November 10, 2021 approved the Snow & Ice Contract No. D040502 between the State of New York and the Town of Chili for snow and ice control which will expire on June 30, 2026 unless further extended. The contract for the 2022/2023 snow and ice season will be \$431,646.53.

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

RESOLUTION #113 RE: Authorization to Hire Lu Engineers for the Preparation of Bid Documents for Dog Shelter

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman DeCory

WHEREAS, the Town intends to construct a dog shelter at the Public Works facility at 200 Beaver Road; and

WHEREAS, the preparation of detailed building plans and specifications are required for bidding purposes for this project; and

NOW, THEREFORE, BE IT RESOLVED, to hire Lu Engineers to prepare the necessary plans, specifications, bidding documents and project estimates at a cost not to exceed \$25,000.00 to be paid from A1620.2 (Buildings - Equipment).

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

RESOLUTION #114 RE: February 15, 2023 Abstract

OFFERED BY: Councilman Valerio SECONDED BY: Councilman DeCory

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid February 15, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 42816, 42818-42823, 42827-42841, 42845-42854, 42856-42915 totaling \$2,641,226.97 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 the above listed vouchers were paid from the following funds:

General Fund	\$	52,646.32
Highway Fund		61,434.87
Library Fund		3,421.38
Fire Protection Districts		<u>2,383,724.40</u>
Ambulance District		140,000.00
Total Abstract	\$	2,641,226.97

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

RESOLUTION #115 RE: March 1, 2023 Abstract

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid March 1, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 42916-42929, 42935-42936, 42938-42946, 42949-42954, 42957, 42961-43002, 43004-43007 totaling \$80,402.39 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 the above listed vouchers were paid from the following funds:

General Fund	\$	55,892.67
Highway Fund		<u>24,509.72</u>
Total Abstract	\$	80,402.39

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

RESOLUTION #116 RE: March 15, 2023 Abstract

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to pay vouchers 43009-43013, 43015, 43023, 43028-43033, 43035-43039, 43042-43062, 43064-43081, 43084-43107 totaling \$230,907.86 to be paid from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$	93,043.22
Highway Facility Reserve		22,325.00
Highway Fund		80,137.58
Library Fund		8,183.13
H61 Archer Rd Park		6,146.50
Drainage District		5,055.30
Fire Protection Districts		237.40
Street Lighting Districts		<u>15,779.73</u>
Total Abstract	\$	230,907.86

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

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I apologize for those in the room not seeing this and those at home watching, I have an additional resolution. We'll call this Resolution 117 for Dog Control Code Enforcement. I will read this resolution for the sake of the public.

COUNCILMAN SLATTERY: Have you copies for us?

SUPERVISOR DUNNING: I do.

I will read that.

Supervisor Dunning read the resolution (see below).

COUNCILMAN SLATTERY: I think, as we all know on this Board, it's a unique position for the two different positions they hold. And also when you look at the history from the dog aspect and having back-up personnel to assist -- I know that has -- when Kris (Yachett) was out, there used to be people in Highway that would step up and help out. Over time these people have retired, as well. And there hasn't been others with that interest and the time commitment. And then also the different department heads that had to assist.

So that is why I understand where you are going with this and having that flexibility to bring somebody in, train them, get them, you know, educated on, you know, what needs to be done with the two different job duties. So...

SUPERVISOR DUNNING: Thank you.

COUNCILWOMAN SPERR: I would also like to thank Kris (Yachett) for her years of service. I mean she has been with the Town in many capacities -- she's a hard worker. So it's a -- wonderful for her to reach her retirement stage, but we'll miss her.

SUPERVISOR DUNNING: Yeah. I'm a little jealous. Any other questions or comments? No. I'm not ready yet.

COUNCILMAN SLATTERY: I was going to say...

RESOLUTION #117 RE: Dog Control/Code Enforcement

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, our current Dog Control Officer will be retiring on April 15th, 2023; and

WHEREAS, the Town needs to be able to meet the demands of the services provided by the position of Dog Control Officer/Code Enforcement Officer; and

WHEREAS, the Town has posted the position and some interest has been received; and

WHEREAS, the timing of the current officer's retirement and the next meeting of the Town Board to appoint a replacement, prohibits adequate time to bring in new personnel and provide for adequate time for some necessary crossover training; and

NOW THEREFORE, BE IT RESOLVED, that the Supervisor be allowed to hire a qualified candidate, to start prior to April 12th 2023 at a rate not to exceed \$51,134.00, the rate defined in the collective bargaining agreement.

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

The next meeting of the Chili Town Board will be on April 12, 2023 at 7:00 PM in the Town of Chili, Town Hall Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624.

The meeting was adjourned at 7:48 p.m.

Steno by Sandy Hewlett

Minutes by Virginia Ignatowski, Town Clerk

Virginia Ignatowski

