

THE CHILI TOWN BOARD MEETING
June 29, 2023

CHILI TOWN BOARD
June 29, 2023

A special meeting of the Chili Town Board was held on June 29, 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, Councilwoman Sperr, Councilman Valerio, Councilman Valerio and Supervisor Dunning

ALSO PRESENT: Dawn Forte, Supervisor's Secretary; Jared Hirt, Counsel for the Town; Virginia Ignatowski, Town Clerk; Michael Slattery, Deputy Town Supervisor.

The invocation was given by Virginia Ignatowski.

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

The Daily Record (NY)
16 W. Main St
Rochester, NY, 14614
Phone: 5852326920 Fax: 0



Affidavit of Publication

To: TOWN Of Chili - Virginia Ignatowski
3333 Chili Ave
Rochester, NY, 146245324

Re: Legal Notice 2514473, SIX MONTH MORATORIUM FOR SMOKE AND VAPE SHOPS IN T
State of NY }
} SS:

County of Monroe }

The undersigned is the authorized designee of Ben Jacobs/Associate Publisher of The Daily Record (NY), a Daily newspaper published in Rochester, NY. A notice was published in said newspaper. The text of the notice as published in said newspaper is as set forth below, or in the annexed exhibit. This newspaper has been designated by the Clerk of Monroe County for this purpose. The dates of the publication were as follows: 06/22/2023

**NOTICE OF PUBLIC HEARING ON
A SIX MONTH MORATORIUM FOR
SMOKE AND VAPE SHOPS
IN THE TOWN OF CHILI**

PLEASE TAKE NOTICE. that a Local Law has been introduced to the Town Board of the Town of Chili, New York, on the 14th day of June, 2023, to enact a six month moratorium for Smoke and Vape Shops in the Town of Chili.

PLEASE TAKE FURTHER NOTICE that a Public Hearing upon said Local Law has been scheduled for the 29th day of June 2023, at 7:00 P.M., to be held by the Chili Town Board at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624. An opportunity to be heard in regard thereto will then and there be given. Written comments may also be directed to the Chili Town Clerk, Town Hall, 3333 Chili Avenue, Rochester, New York 14624, on or before 4:30 P.M. on the 29th day of June 2023. If special accommodations are required for the meeting, please notify the Chili Town Clerk by June 26, 2023. The proposed moratorium can be found in the Chili Town Clerk's Office and online at <https://ecode360.com/CH0024>. Town Board meetings may be viewed online at <https://www.youtube.com/channel/UCDPiZ4msE6QKH6Cjz1WSGMw>
Virginia L. Ignatowski, Town Clerk
2514473 6-22-11

Sworn to me on this 22nd day of June 2023

Olivia Rye

Notary Public, State of NY
No. 01RY0009578

Qualified in Monroe County

My commission expires on June 14,
2027

By _____

Ben Jacobs

Authorized Designee of the
Publisher

THE CHILI TOWN BOARD MEETING
June 29, 2023

PUBLIC HEARING.

A Public Hearing was held by the Chili Town Board on June 29, 2023 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. to discuss a Moratorium of Smoke & Vape Shops in the Town of Chili.

Attendance as previously noted in the 6/29/23 Chili Town Board meeting minutes.

There was no audience at the Town Board meeting or on the Town's YouTube channel for questions/comments.

The public hearing was closed at 7:03 p.m.

New Business

RESOLUTION #178 RE: SEQR Status for Adoption of Local Law #3 of 2023 on a Six Month Moratorium for Smoke & Vape Shops in the Town of Chili

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Valerio

WHEREAS, that the Town Board classifies the adoption of proposed Local Law #3 of 2023 to be a Type II action under the provisions of Section 617.5 of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

NOW, THEREFORE, BE IT RESOLVED, that the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

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

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Supervisor before we should we amend it.

TOWN ATTORNEY JARED HIRT: You can amend it on the record. To read "Adoption of Local Law number of 2023 on a Six Month Moratorium for Smoke & Vape Shops in the Town of Chili.

COUNCILWOMAN SPERR: Just a quick question, what process do you plan on using. Are you putting together a committee together to come up with the code for this?

SUPERVISOR DUNNING: We will sit down with the Building Department, David Lindsay, Highway Department. We have usually counseled together on code changes. We will work on those and we will bring in council. As we work on this we have typically done very well with code changes to make sure that our code is sufficiently protects the Town of Chili from any inappropriate type of behavior from these types of businesses. So, you can expect likely, hopefully within the six-month period a couple of code changes to address what we need to address here.

COUNCILWOMAN SPERR: Then we will hold a public hearing?

SUPERVISOR DUNNING: Yea. Any change in the code does require a public hearing and resolutions just as we have done everything else.

COUNCILWOMAN SPERR: Thank you.

RESOLUTION #179 RE: Adoption of Local Law #3 of 2023 on a Six Month Moratorium for Smoke & Vape Shops in the Town of Chili

OFFERED BY: Councilwoman Sperr

SECONDED BY: Councilman DeCory

WHEREAS, a proposed Local Law #3 of the year 2023 to the Code of the Town of Chili, on a Six Month Moratorium for Smoke & Vape Shops in the Town of Chili was introduced to the Town Board of the Town of Chili on the 14th day of June, 2023; and

WHEREAS, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 29th day of June, 2023 a public hearing was held at 7:00 p.m. to consider the adoption of a proposed Local Law #3 of the year 2023 to the Town Code of the Town of Chili, on a Six Month Moratorium for Smoke & Vape Shops and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

NOW, THEREFORE, upon the evidence obtained by the Town Board at said public hearing and upon all other information obtained and reviewed by the Board; it is

NOW, THEREFORE, RESOLVED, that Local Law #3 of 2023 is hereby enacted by the Town Board of the Town of Chili.

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

TOWN OF CHILI, Monroe County, New York

Local Law no. 3 of the year 2023

A local law Establishing a Temporary Moratorium on Smoke & Vape Shops
Within the Town of Chili.

Be it enacted by the Town Board of the
Town of Chili as follows:

SECTION 1. TITLE

This Local Law shall be known as the "Moratorium on Smoke & Vape Shops within the Town of Chili."

SECTION 2. STATUTORY AUTHORITY; PURPOSE AND INTENT.

1. There is a substantial likelihood of the establishment, operation and expansion of smoke shops, tobacco stores, vape shops and stores that are dedicated to the retail sale of tobacco and tobacco related products/paraphernalia, nicotine and nicotine related products/paraphernalia, vape related products, e-cigarettes, e-vaporizers, waterpipes, electronic nicotine delivery systems, hookahs, pipes, bongs and similar manufactured devices used for holding burning material (“Smoke and Vape Shops”).
2. The Town of Chili has determined that the establishment, operation and expansion of Smoke and Vape Shops in the Town of Chili will result in undesirable changes to the community, including, but not limited to, increased potential for sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, the heightened risk of negative aesthetic impacts, blight and the loss of property values of residential neighborhoods and businesses in close proximity to Smoke and Vape Shops.
3. The current Zoning Code for the Town of Chili does not have specific regulations and provisions applicable to Smoke and Vape Shops.
4. The Town of Chili has determined that the regulation of Smoke and Vape Shops is necessary and in the interest of the public health, safety and general welfare of the community and the residents of the Town of Chili.
5. The Town of Chili has therefore concluded that it is proper and warranted to impose a six (6) month temporary moratorium: (a) on the issuance of all new building permits, certificates of occupancy/compliance and land use approvals for the construction, establishment and operation of new Smoke and Vape Shops in the Town of Chili; and (b) on the issuance of all new building permits, certificates of occupancy/compliance and land use approvals for the expansion of existing Smoke and Vape Shops in the Town of Chili. Said moratorium will provide the Town of Chili with time to review and consider potential zoning changes and amendments to the Town Code and to otherwise consider specific regulations for Smoke and Vape Shops.

The next meeting of the Chili Town Board will be on July 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 7:05 p.m.

Steno by Dawn Foltz
Minutes by Virginia Ignatowski, Town Clerk
