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Developer seeking to rezone old Xerox land in Webster

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If developer Tom Thomas gets his way, 300 townhouses and 147 patio homes could someday occupy the former Xerox property on Phillips Road in Webster.

But Town Supervisor Ronald Nesbitt isn't sure whether a large housing development is in the town's best interest. Since the 240-acre property is zoned industrial, the town would have to rezone it before Thomas could build homes there.

If rezoned, the property would be one of the largest plots of land ever to be rezoned all at once in Webster's history, said Gary Kleist, commissioner of public works.

Thomas, who did not return multiple calls for an interview, presented a concept plan to the Town Board on Aug. 27.

"It was a nice presentation, but there's a whole bunch of questions," said Nesbitt.

A deed of sale filed in March with the Monroe County Clerk indicates that a company called 800 Phillips Road LLC paid Xerox \$2 million for the property. Publicly available mortgage documents list that company's president and sole member as Tom J. Thomas.

Thomas' plan to develop the Phillips Road property includes 147 patio home lots on the northwest corner of the property, adjacent to Phillips and Schlegel roads; 88 four-unit townhouses on the north and northeastern portion of the property, abutting Schlegel and Salt roads, and 212 two-unit townhouses on a plot of land extending west from Salt Road.

The sketch plan also includes a 120-unit independent living complex and a 100-unit assisted living complex at the center of the property. The southeast corner of the parcel would be a nature trail, according to the illustration submitted to the Webster Town Board, and a community clubhouse would be situated in the northeastern-most corner.

All told, the development could bring in 1,000 or more new Webster residents.

Thomas' design seems to outline a type of transitional retirement community that has been gaining popularity in recent years, said Robert Silverman, associate professor in the Department of Community and Regional Planning at the State University of New York at Buffalo. A similar, but smaller, community exists in the Buffalo area, Silverman said.

But without more insight into Thomas' intentions, it's tough to predict the financial benefits or costs that his proposed development could bring to the town, Silverman said.

If families with young children move into any of the townhouses, that could place a burden on the Webster school district. If it's all seniors, there could be increased demand for public transportation, Silverman said.

"Who's going to live there is going to tell a lot about what the overall impact will be," he said.

No matter who the residents are, they will likely patronize local businesses, spilling money into the local economy.

Nesbitt, however, expressed reservations about the toll the proposed development could take on infrastructure, including nearby roads and the town's sewer treatment plant.

"Phillips is a four-lane road. But Schlegel Road and Salt Road are two lanes, and I'd have a concern about traffic there," Nesbitt said.

The property

Xerox's decision to sell the Phillips Road parcel is part of the company's overall effort to get rid of superfluous properties worldwide, said spokesman Bill McKee. The company worked with a broker for "a few months" before identifying a buyer for the acreage on Phillips Road, he added.

"It was land that was never used nor developed by Xerox," McKee said.

Thomas apparently purchased the property without contingencies, meaning he knew it was zoned industrial and did not have the option of returning the land to Xerox should the town refuse to rezone it, Kleist said.

The land is wide-open and vacant, Kleist said. A small portion of the property facing Schlegel Road is zoned residential, but it's an insignificant percentage of the 240-acre plot, he said.

Nesbitt says he never gave Xerox or Thomas any assurances that the town would rezone the property.

According to Webster zoning code, permitted uses on industrial-zoned property include hotels, sports complexes, public utilities and trucking terminals.

While a residential development may seem more palatable to neighbors compared to some of the permitted industrial uses of the Phillips Road property, Thomas won't automatically get the land rezoned, Kleist said. A large housing development places different demands on a town than some of the industrial uses, he said.

One such demand would be on the town's sewer treatment plant. The plant was at 78 percent capacity at the end of 2008, said Dave Kalin, chief plan operator for the town's treatment plant. Thomas' development would bring the plant to about 87 percent capacity. If the town ever reaches capacity, upgrades to the plant would cost \$5 million to \$10 million, Kalin said.

What's next

Thomas' next step is to present a formal application to the town, which will be referred to the Planning Board. He is entitled to consideration by the Planning Board, a public hearing before the Town Board, and a decision by the Town Board, Kleist said.

Patio homes are generally configured to appeal to empty nesters looking to downsize, with floor plans of 1,500 to 2,500 square feet, said Kent Gardner, president and chief economist at the Center for Governmental Research.

If Thomas is targeting older adults and seniors, the town may benefit from a fiscal perspective if it signs on to the project.

"Empty nesters, by and large, don't put a significant burden on public services," Gardner said. "It a

good bet that the amount of tax revenue that would come in from those homes would be greater than the burden placed on town."

And an influx of older adults could mean gains for the town's businesses. Webster has made "a significant investment" in commercial development, Gardner said.

"If there are additional people who live in the community, those businesses will get more traffic, become more prosperous, and will be more likely to stay in the community and continue to pay taxes," he said.

The calculus depends, in part, on how many costs the town is able to pass on to the developer, Gardner said. For example, if Schlegel and Salt roads need upgrades, the developer may have to pay for them.

Another factor the town has to consider is the state law regarding condominiums, Gardner said. When properties are classified as condos, they are taxed on about half of their assessed value, meaning the town brings in far less tax revenue. The town would bring in more money if the homes were classified as townhouses or patio homes.

"When you're talking about a rezoning, pretty much anything is on the table," Gardner said. "How much you can bind the developer to is a legal question. But the town has the ability to do some negotiating."

Nesbitt says he's not against the concept of patio homes or transitional senior living. Webster has a large aging population, and expensive houses aren't going up at the rate they once were.

Nesbitt sees the appeal of patio homes and said he'd like to move into one himself in the coming years.

"Residents of Webster tend to stay here," Nesbitt said. "They don't go to Florida. They like living in Webster, they just want to downsize."

But a project of this magnitude could take 10 to 15 years to come together, Nesbitt said, and there's no guarantee that the same developer who signs on now will stick around for the whole project, he said.

Nesbitt said he may not be around as town supervisor that far down the road.

"I don't want to leave somebody else with a whole bunch of question marks," he said.

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