

**Town of Ontario  
Planning Board Minutes  
February 12, 2008**

Planning Board Members present: Chairman, Eduard Kerkhoven, Stephen Leaty, Joseph Catalano, Gerald Smith, Robert King; Donna Burolla – Planning Board Clerk; Town Engineer – Jim Oberst from MRB Group; Richard Williams - Deputy Attorney for the Town

Chairman Kerkhoven called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance. He welcomed the new planning board member, Robert King.

**Public Hearings**

**Gross Subdivision – Site Plan, Preliminary and Final**

Mr. Fred Shelley, from Shelley Associates, requested site plan approval and preliminary and final subdivision approval for the five lot Robert Gross Subdivision located at 6187 Lincoln Rd. The property is owned by the applicant and zoned Suburban Residential.

Mr. Shelley addressed the planning review committee comments dated February 1, 2008 stating the SWPP has been approved by the town, a description of the 20 foot drainage easement will be forwarded to Richard Williams, and approval from the New York State Dept. of Health has been obtained. He noted that lot #5 will require a waiver from town code to allow the raised bed system to be located 16 feet from the property line, instead of the required 50 ft.

Chairman Kerkhoven opened the application for public comment. There was none.

Chairman Kerkhoven read into the record correspondence from the Wayne County Planning Board dated February 5, 2008 recommending approval of the Gross Subdivision with the condition that storm water and erosion and sediment control measures meet Phase II NYSDEC requirements.

**SEQRA RESOLUTION  
PLANNING BOARD  
TOWN OF ONTARIO  
RE: Robert Gross Subdivision  
Preliminary & Final Subdivision and Site Plan  
6187 Lincoln Road, Ontario New York  
Tax Parcel Number: 61117-00-622516**

WHEREAS, Robert Gross has submitted an application for Preliminary and Final Subdivision and Site Plan approval for the purpose of subdividing a currently existing lot, containing approximately 24.25 acres, into 5 lots, containing approximately 8.70 acres, 7.38 acres, 1.69 acres, 5.13 and 1.35 acres, respectively and constructing 5 single family residences; and

WHEREAS, this application is an unlisted action and has been subject to single agency review pursuant to SEQRA; and

WHEREAS, a short form EAF was submitted by the applicant, dated December 14, 2007, as part of the application materials;

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following a public hearing on this matter, held on January 8, 2008, and continued to January 22, 2008 and the Planning Board having given this matter due deliberation and consideration; it is

RESOLVED that the Planning Board finds that the proposed action will not have any significant adverse impact on the environment, and accordingly, hereby grants a negative declaration pursuant to the State Environmental Quality Review Act; based upon the following findings of fact:

### **FINDINGS OF FACT**

1. This resolution is based upon the materials submitted by the applicant, including the Part 1 EAF, dated December 14, 2007; the Preliminary and Final Subdivision Plan prepared by Shelley Associates, P.E., L.S., P.C., dated December 13, 2007 and last revised January 11, 2008; and the Concept Site Plan prepared by Shelley Associates, P.E., L.S., P.C., dated December 13, 2007 and last revised January 4, 2008.
2. The Board did not identify any potential environmental impacts associated with the application.

The within Resolution was moved by Planning Board Member Joseph Catalano, seconded by Planning Board Member Stephen Leaty, and voted upon by members of the Planning Board as follows:

Gerald Smith voted	Aye
Stephen Leaty voted	Aye
Joseph Catalano voted	Aye
Robert King voted	Aye
Eduard Kerkhoven voted	Aye

Adopted by the Planning Board on February 12, 2008.

### **APPROVAL RESOLUTION PLANNING BOARD TOWN OF ONTARIO**

**RE: Robert Gross Subdivision and Site Plan  
Preliminary & Final Subdivision  
6187 Lincoln Road, Ontario New York  
Tax Parcel Number: 61117-00-622516**

WHEREAS, Robert Gross has submitted an application for Preliminary and Final Subdivision and Site Plan approval for the purpose of subdividing a currently existing lot, containing approximately 24.25 acres, into 5 lots, containing approximately 8.70 acres, 7.38 acres, 1.69 acres, 5.13 and 1.35 acres, respectively and construction 5 single family residences; and

WHEREAS, the Planning Board issued a negative declaration, pursuant to SEQRA, on February 12, 2008;

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following a public hearing on this matter, held on January 8, 2008, and continued to February 12, 2008 and the Planning Board having given this matter due deliberation and consideration; it is

RESOLVED that the Planning Board hereby grants Preliminary and Final Subdivision approval to the applicant, subject to the following conditions:

### CONDITIONS OF APPROVAL

1. This resolution is based upon the materials submitted by the applicant, including the Preliminary and Final Subdivision Plan prepared by Shelley Associates, P.E., L.S., P.C., dated December 13, 2007, and last revised January 11, 2008; and the Concept Site Plan prepared by Shelley Associates, P.E., L.S., P.C., dated December 13, 2007 and last revised January 4, 2008.
2. The Planning Board grants a waiver from the requirement set forth in the Town's Land Development Regulations, at Section A154-100(B)(1), that the taper sections of the raised fill septic system end a minimum of 50' from the property lines. The width of the lot and necessary configuration of the septic system make compliance with such requirement impractical and the system, as proposed, complies with state Health Department requirements.
3. A 20' wide Drainage Easement is to be provided to the Town of Ontario over the existing 12" storm pipe and swale shown on the plans along the northern property line of Lot #4. The form of the Easement is to be approved by the Deputy Town Attorney, prior to execution and recording.
4. Resolution of all written comments of the Planning Review Committee, dated February 1, 2008.

The within Resolution was moved by Planning Board Member Joseph Catalano, seconded by Planning Board Member Gerald Smith, and voted upon by members of the Planning Board as follows:

Gerald Smith voted	Aye
Stephen Leaty voted	Aye
Joseph Catalano voted	Aye
Robert King voted	Aye
Eduard Kerkhoven voted	Aye

Adopted by the Planning Board on February 12, 2008.

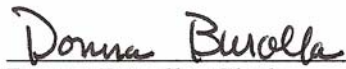
**Minutes**

Mr. Leaty moved to approve the minutes dated January 8, 2008 and January 22, 2008 as presented. Mr. Catalano seconded.

Vote:

Gerald Smith voted	Aye
Stephen Leaty voted	Aye
Joseph Catalano voted	Aye
Robert King voted	Aye
Eduard Kerkhoven voted	Aye

Meeting adjourned at 7:40 p.m.



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Donna Burolla, Clerk  
Planning Board