

was called to order by Supervisor Kelsch at 7:00 PM in the
Robert Kelsch, Council members: Jason Ruffell, Lori Eaton-Smith,
Frank Robusto and Stephen Tobin, Superintendent of Water Utilities Rodney Peets, Director of Recreation &
Parks William Riddell, Accountant Scott Erdeli, Library Director Sandra Hylen, Associate Attorney for the
Town Amy Reichhart and Town Clerk Debra DeMinck.

Absent: Superintendent of Highways Jerry Santangelo, Building Inspector/Code Enforcement Officer Edward
Collins, Sole Assessor Christine Luteyn and Dog Control Officer Mark Plyter.

11 residents and visitors were present at portions of the meeting.

Mr. Robusto led the Pledge of Allegiance.

Approval of the Agenda ó A motion was made by Mr. Tobin, seconded by Mr. Ruffell, to **approve the agenda
with the addition of having a Public Hearing to consider adopting the proposed Commerce Center
Master Plan.** 5 Ayes 0 Nays MOTION CARRIED

The Legal Notice of Public Hearing on the proposed Commerce Center Master Plan was posted on the Town
Clerk's bulletin board and published in the Wayne County Mail on December 31, 2009.

Mr. Kelsch opened a public hearing to consider the proposed Commerce Center Master Plan at 7:03 p.m.

Amy Reichhart, Associate Attorney for the Town, explained that adopting this final Master Plan for Commerce
Center means a developer coming to the Town with a proposal will not have to go through the SEQRA process
if it falls within the basic outline of this plan. This will make the process move quicker and will make the area
more attractive to developers. This Master Plan is an addition to and consistent with the Town's Comprehensive
Plan.

Mr. Kelsch explained where the Commerce Center is located for the audience and asked if there were any
questions.

Library Director Sandra Hylen requested a copy for the Library after adoption.

Mr. Ruffell asked Mr. Riddell how the area would be marketed.

Mr. Riddell responded that packages are sent out to all prospective developers. A portion of the land is owned
by the Wayne County Industrial Development Agency (IDA) and it will be able to advertise the land as industrial
development sites.

Mr. Robusto asked if any part of the area was in the Empire Zone. Mr. Riddell responded that all of it is but that
the Empire Zone is ending in 2010 and is going to be replaced with a program with stricter guidelines.

A motion was made by Mr. Ruffell, seconded by Mr. Tobin, to **close the public hearing at 7:09 p.m.**

Comments from the Public ó None

Approval of Minutes - Mr. Kelsch asked for approval of the minutes of the December 28, 2009 Town Board
meeting. A motion was made by Mr. Tobin, seconded by Mr. Ruffell, to **approve the minutes as presented.**



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MOTION CARRIED A motion was made by Mr. Ruffell, seconded by
January 4, 2010 organizational meeting. 5 Ayes 0 Nays

Attorney for the Town Report – We are still waiting on the Ginna tax certiorari settlement.

Department Head Reports -

Superintendent of Water Utilities – A motion was made by Mr. Robusto, seconded by Mr. Tobin, to **accept the December 2009 report as presented. 5 Ayes 0 Nays MOTION CARRIED**

Superintendent of Highways – A motion was made by Mr. Kelsch, seconded by Mr. Tobin, to **accept the December 2009 report as presented. 5 Ayes 0 Nays MOTION CARRIED**

Building Inspector/Code Enforcement Officer – A motion was made by Mr. Ruffell, seconded by Mrs. Smith, to **accept the December 2009 report as presented. 5 Ayes 0 Nays MOTION CARRIED**

Director of Recreation & Parks – A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **accept the December 2009 report as presented. 5 Ayes 0 Nays MOTION CARRIED**

Sole Assessor – A motion was made by Mr. Robusto, seconded by Mrs. Smith, to **accept the December 2009 report as presented. 5 Ayes 0 Nays MOTION CARRIED**

Ontario Public Library - A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **accept the December 2009 Library report as presented. 5 Ayes 0 Nays MOTION CARRIED**

Ontario Town Court – A motion was made by Mr. Tobin, seconded by Mrs. Smith, to **receive the December 2009 report as presented. 5 Ayes 0 Nays MOTION CARRIED**

Dog Control Officer – A motion was made by Mrs. Smith, seconded by Mr. Robusto, to **accept the December 2009 report as presented. 5 Ayes 0 Nays MOTION CARRIED**

Economic Development Department - A motion was made by Mr. Robusto, seconded by Mrs. Smith, to **accept the December 2009 report as presented. 5 Ayes 0 Nays MOTION CARRIED**

New Business ó A motion was made by Mr. Robusto, seconded by Mr. Ruffell, to **adopt the**

RESOLUTION TO ESTABLISH COMMERCE CENTER MASTER PLAN

WHEREAS, the Town of Ontario (the "Town") has proposed to establish Commerce Center (the "Project"), which would be an industrial park located on approximately 354 acres of industrially-zoned area located north of State Route 104 between Dean Parkway and Lakeside Drive; and

WHEREAS, the Town wishes to adopt a Master Plan for the Project, consistent with the existing Town Comprehensive Plan, which would provide a plan for development of the Project, including but not limited to extension of Timothy Lane, other road improvements, extension of water and sewer lines, construction of stormwater management areas, subdivision of the existing lots, and construction of industrial facilities, as well as possible amendments to the Town Zoning Law (Town Code Chapter 150); and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), and regulations adopted to implement SEQRA, the Town undertook an environmental review of the Project, including the Master Plan and other necessary approvals (together the "Action"); and

WHEREAS, the Town Board reviewed and accepted an environmental assessment form ("EAF") for the Action prepared by the Town's consultant, Costich Engineering ("Costich"), to evaluate the significance of potential environmental impacts of the Action; and

the proposed Action is a "Type I Action" as defined by SEQRA, pursuant to

Board passed a resolution declaring itself lead agency for the SEQRA review finding that the Project may include the potential for at least one significant adverse environmental impact, so that a Positive Declaration was made, pursuant to 6 N.Y.C.R.R. §617.6(b), and deciding that a generic environmental impact statement ("GEIS") was appropriate to evaluate the environmental impacts of the Project, since it will consist of a series of actions, and the Master Plan will define and restrict the range of future alternative policies or projects, pursuant to 6 N.Y.C.R.R. §617.10; and

WHEREAS, that the Town Board elected to utilize the optional process for scoping, pursuant to 6 N.Y.C.R.R. §617.8 in order to devise a scope (the "Scope") for the GEIS; and

WHEREAS, a Public Hearing on a draft Scope was held on October 27, 2008; and

WHEREAS, on October 27, 2008, the Town Board adopted a final written Scope; and

WHEREAS, Costich, the consultant for the Town, prepared a Draft Generic Environmental Impact Statement ("DGEIS") in accordance with the Scope and the requirements of SEQRA; and

WHEREAS, on July 27, 2009, the Town Board passed a resolution accepting the DGEIS, and scheduling a Public Hearing for August 24, 2009, and a public comment period running through September 3, 2009; and

WHEREAS, Costich also prepared a Preliminary Notice of Intent to Undertake an Action within an Agricultural District, in accordance with Agriculture and Markets Law §305(4) and 1 N.Y.C.R.R. §371.6, which was accepted by resolution of the Town Board on July 27, 2009, and on August 4, 2009 was transmitted for filing with the Commissioner of Agriculture and Markets and the Wayne County Agricultural Development Board; and

WHEREAS, a Public Hearing was held before the Town Board concerning the Project and the DGEIS on August 24, 2009 at 7:00 PM, and no comments were made; and it is further

WHEREAS, the Town invited written comments on the DGEIS and the Project until September 3, 2009, but none were received; and

WHEREAS, Costich prepared a proposed FGEIS in accordance with the requirements of SEQRA; and

WHEREAS, on November 9, 2009, the Town Board passed a resolution accepting the FGEIS; and

WHEREAS, on December 14, 2009 the Board certified that the requirements of SEQRA had been met and made its findings with respect to environmental, social, economic and other factors concerning the Project, which are set forth in the SEQRA Findings incorporated by reference into this Resolution ("Findings"), which provide the rationale for this Board's action, and

WHEREAS, the Findings were filed with the Supervisor of the Town, the Board, all involved agencies, all interested agencies, and with any person who has requested a copy, and

WHEREAS, the Master Plan was referred to the Wayne County Planning Board in April of 2008 pursuant to General Municipal Law §239-m and Town Law §272-a(5), and the Wayne County Planning Board recommended adoption of the Master Plan on April 30, 2008, and

WHEREAS, a public hearing was set for the 11th day of January, 2010, pursuant to Town Law §272-a(6), and notice of such public hearing was posted in the official newspaper of the Town on December 31, 2009 and the Master Plan was available for public review at the office of the Town Clerk pursuant to Town Law §272-a(6)(c), and

WHEREAS, a public hearing was held on the Master Plan on the 11th day of January, 2010, at 7:00 P.M. pursuant to Town Law §272-a(6), and no comments were made, and

NOW, THEREFORE BE IT RESOLVED THAT based on the FGEIS, the Findings and the deliberations of the Board, the this Board hereby determines that the Master Plan is consistent with the existing Town Comprehensive Plan; and it is further

RESOLVED, that this Board hereby adopts the Master Plan as a supplement to the Town Comprehensive Plan; and it is further

RESOLVED, that any future site specific actions covered by the Master Plan shall not be subject to SEQRA review, so long as they are in conformance with the conditions and thresholds established for such actions in the FGEIS and Findings, pursuant to Town Law §272-a(8); and it is further

RESOLVED, that the Town Clerk is hereby directed to promptly arrange for the filing of copies of the Master Plan in the office of the Town Clerk and in the office of the Wayne County Planning Board. 5 Ayes 0 Nays **MOTION CARRIED**

y Mr. Ruffell, to **adopt a**

**EDICATION OF A PARCEL OF LAND FOR
ES FOR THE PROPOSED EXTENSION OF
TOWN OF ONTARIO, COUNTY OF WAYNE**

WHEREAS, Robert L. Burkwit, Clarence K. Burkwit and John Burkwit (together the "Grantor"), of 5978 Washington Street, Olcott, New York 14126, by an "Offer of Dedication of Land for Public Highway Purposes," dated May 22, 2007 (the "Offer"), has offered to dedicate a portion (the "Property") of a parcel on the north side of Route 104 at 493 Route 104, Ontario, New York 14519 in the Town of Ontario, County of Wayne and State of New York (tax account no. 61117-00-433806), being an area of about 1.754 acres, as shown on a survey map (the "Survey") prepared by Kocher Surveying, P.C. on January 25, 2007 in the Town of Ontario, Wayne County, New York, and such Offer has been presented to the Town Board of the Town of Ontario (the "Town"), and it appearing from the Offer to the satisfaction of the Town Board that the Property so offered for dedication have been and are properly surveyed and mapped and should be accepted as lands of the Town, and that all claims for damage have been properly released; and

WHEREAS, the Property is described as follows:

ALL THAT TRACT OR PARCEL OF LAND, being part of Town Lot 15, Township 14, Range 3, situate in the Town of Ontario, County of Wayne, State of New York, bounded and described as follows:

BEGINNING at a point in the division line between Town Lot 14 and land owned by the Town of Ontario, known as Timothy Lane, as recorded in the Office of the Wayne County Clerk in Document No. R9042166 on the west and Town Lot 15 and land owned by Robert L. and Clarence K. Burkwit on the east and running thence:

(1) Northerly along the said division line between land owned by the Town of Ontario and the easterly terminus of Timothy Lane on the west and land owned by said Burkwit on the east, 66.3 feet more or less to the northeast corner of said Timothy Lane; thence,

(2) The following courses and distances through lands now or formerly owned by Robert L Burkwit and Clarence K. Burkwit, land now or formerly owned by Robert L. Burkwit as recorded in the Office of the Wayne County Clerk in Liber 556 of Deeds at Page 405 and land now or formerly owned by Robert L. Burkwit, Clarence K. Burkwit and John Burkwit as recorded in the Office of the Wayne County Clerk in Liber 614 of Deeds at Page 727, N 73° 25' 12" E, 42.1 feet more or less to a point of curvature,

(3) Easterly along a curve to the right, having a radius of 780.00 feet, through delta angle of 22° 02' 42", for a length of 300.11 feet to a point of tangency,

(4) S 84° 32' 06" E, 369.66 feet to a point of curvature,

(5) Northeasterly along a curve to the left, having a radius of 283.42 feet, through a delta angle of 49° 58' 34", for a length of 247.21 feet to a point of reverse curvature,

(6) Easterly along a curve to the right, having a radius of 343.42 feet, through a delta angle of 52° 01' 17", for a length of 311.81 feet to a point of tangency and

(7) S 82° 29' 24" E, 2.2 feet more or less to a point in the division line of Town Lot 15 and land owned by said Burkwit on the west and Town Lot 16 and land now or formerly owned by Andrew and Patricia Burke as recorded in the Office of the Wayne County Clerk as Document No. R9070149 on the east; thence,

(8) Southerly along said division line between land owned by Burkwit on the west and land owned by Burke the east, 60.0 feet more or less to a point of curvature in the south line of the herein described parcel; thence,

(9) The following courses and distances through lands now or formerly owned by said Burkwit, westerly along a curve to the left, having a radius of 283.42 feet, through a delta angle of 52° 01' 17", for a length of 257.33 feet to a point of reverse curvature and

(10) Southwesterly along a curve to the right, having a radius of 343.42 feet, through a delta angle of 49° 58' 34", for a length of 299.95 feet; to a point of tangency, marking the northeast corner of lands now or formerly owned by Donald S. Tripoli as recorded in the Office of the Wayne County Clerk in Liber 999 of Deeds at Page 823; thence,

(11) N 84° 32' 06" W, along the north line of land now or formerly owned by said Tripoli, 306.00 feet distant to the northwest corner thereof and continuing along the same course through land owned by said Burkwit; 63.66 feet distant farther, comprising a total distance of 369.66 feet to a point of curvature,

(12) Westerly along a curve to the left, having a radius of 720.00 feet, through a delta angle of 22° 02' 42" for a length of 277.02 feet to a point of tangency and

(13) S 73° 25' 12" W, 70.4 feet more or less to the point and place of beginning;

Comprising an area of 1.754 acres more or less (76,409 square feet more or less) according to a survey prepared by Kocher Surveying, P.C. on January 25, 2007.

WHEREAS, the Property is being offered subject to all covenants, easements and restrictions of record affecting the Property to the extent that they are presently in force and effect, if any; and



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Commerce Center (the "Project"), which would be an industrial park located on north of State Route 104 between Dean Parkway and Lakeside Rd.; and

for purposes of extending Timothy Lane, a town highway (the "Proposed Extension"),

State Environmental Quality Review Act ("SEQRA"), and regulations adopted to implement SEQRA, the Town, as lead agency, undertook an extensive environmental review of the Project (including the Master Plan for the Project, the Proposed Extension and other necessary approvals); and

WHEREAS, the SEQRA review included a Draft and Final Generic Environmental Impact Statement; and

WHEREAS, on December 14, 2009 the Board certified that the requirements of SEQRA had been met and made its findings with respect to environmental, social, economic and other factors concerning the Project, which are set forth in the SEQRA Findings incorporated by reference into this Resolution, which provide the rationale for this Board's action, and

WHEREAS, the Board has today adopted the Master Plan for the Project, which provide a plan for development of the Project, including but not limited to extension of Timothy Lane, other road improvements, extension of water and sewer lines, construction of stormwater management areas, subdivision of the existing lots, and construction of industrial facilities;

NOW, on Motion duly made and seconded, it is

RESOLVED, that the Town Board of the Town of Ontario does hereby consent that the Property, located in the Town of Ontario, Wayne County, New York, and as more particularly described above, be accepted in dedication for highway purposes; and be it further

RESOLVED, that any taxes that are currently due or will become due on the Property, as a result of the assessment roll in effect at the time of this acceptance, shall be the responsibility of the Grantor. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Tobin, to **adopt a**

**RESOLUTION FOR DEDICATION OF A PARCEL OF LAND FOR
HIGHWAY PURPOSES FOR THE PROPOSED EXTENSION OF
TIMOTHY LANE IN THE TOWN OF ONTARIO, COUNTY OF WAYNE**

WHEREAS, Andrew Burke and Patricia Burke, his wife (together the "Grantor"), of 450 Berg Road, Ontario, New York 14519, by an "Offer of Dedication of Land for Public Highway Purposes," dated May 15, 2007 (the "Offer"), has offered to dedicate a portion (the "Property") of a parcel on the north side of Route 104 at 450 Berg Road, Ontario, New York 14519 in the Town of Ontario, County of Wayne and State of New York (tax account no. 61117-00-524968), being an area of about 0.536 acres, as shown on a survey map (the "Survey") prepared by Kocher Surveying, P.C. on January 25, 2007 in the Town of Ontario, Wayne County, New York, and such Offer has been presented to the Town Board of the Town of Ontario (the "Town"), and it appearing from the Offer to the satisfaction of the Town Board that the Property so offered for dedication have been and are properly surveyed and mapped and should be accepted as lands of the Town, and that all claims for damage have been properly released; and

WHEREAS, the Property is described as follows:

ALL THAT TRACT OR PARCEL OF LAND, being part of Town Lot 16, Township 14, Range 3, situate in the Town of Ontario, County of Wayne, State of New York, bounded and described as follows:

BEGINNING at a point on the division line of Town Lot 15 on the west and Town Lot 16 on the east, marking the northwest corner of land now or formerly owned by Nazareno and Pietro Petrucci as recorded in the Office of the Wayne County Clerk in Liber 843 of Deeds at Page 29 and running thence:

- (1) Along the division line of Town Lot 15 on the west and Town Lot 16 on the east and the westerly line of land owned by the party of the first part, as recorded in the Office of the Wayne County Clerk in Document No. R9070149, northerly 60.00 feet to a point; thence,
- (2) Through lands owned by the party of the first part, S 82° 29' 24" E, 389.5 feet more or less to a point on the westerly line of lands now or formerly owned by Mercedes Wilbert as recorded in the Office of the Wayne County Clerk in Liber 885 of Deeds at Page 456; thence,
- (3) Southerly along the westerly line of land now or formerly owned by said Wilbert, 60.00 feet more or less to an iron pin marking the northeast corner of land now or formerly owned by said Petrucci as heretofore mentioned; thence,
- (4) N 82° 29' 24" W, along the north line of land now or formerly owned by said Petrucci, 389.7 feet more or less to the point and place of beginning;

Comprising an area of 0.536 acres more or less (23,376 square feet more or less) according to a survey prepared by Kocher Surveying, P.C. on January 25, 2007; and

WHEREAS, the Property is being offered subject to all covenants, easements and restrictions of record affecting the Property to the extent that they are presently in force and effect, if any; and

WHEREAS, the Town has proposed to establish Commerce Center (the "Project"), which would be an industrial park located on approximately 354 acres of industrially-zoned area located north of State Route 104 between Dean Parkway and Lakeside Drive; and



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for purposes of extending Timothy Lane, a town highway (the Proposed Extension),

State Environmental Quality Review Act (SEQRA), and regulations adopted to an extensive environmental review of the Project (including the Master Plan for the Project); and

WHEREAS, the SEQRA review included a Draft and Final Generic Environmental Impact Statement; and

WHEREAS, on December 14, 2009 the Board certified that the requirements of SEQRA had been met and made its findings with respect to environmental, social, economic and other factors concerning the Project, which are set forth in the SEQRA Findings incorporated by reference into this Resolution, which provide the rationale for this Board's action, and

WHEREAS, the Board has today adopted the Master Plan for the Project, which provide a plan for development of the Project, including but not limited to extension of Timothy Lane, other road improvements, extension of water and sewer lines, construction of stormwater management areas, subdivision of the existing lots, and construction of industrial facilities;

NOW, on Motion duly made and seconded, it is

RESOLVED, that the Town Board of the Town of Ontario does hereby consent that the Property, located in the Town of Ontario, Wayne County, New York, and as more particularly described above, be accepted in dedication for highway purposes; and be it further

RESOLVED, that any taxes that are currently due or will become due on the Property, as a result of the assessment roll in effect at the time of this acceptance, shall be the responsibility of the Grantor. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Tobin, seconded by Mrs. Smith, to **accept the Town Clerk's fiscal records and 2009 Annual Fiscal Report as presented.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mrs. Smith, to **designate Stephen Tobin as the voting delegate for the NYS Association of Town's annual business meeting in New York City on February 17, 2010 with all actual and necessary expenses to be a town charge.** 4 Ayes 0 Nays 1 Abstention (Tobin) MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Tobin, to **authorize the Supervisor to enter into an agreement with the Wayne County Humane Society for Shelter Services beginning January 1, 2010 and ending December 31, 2011.** 5 Ayes 0 Nays MOTION CARRIED

Budget Transfers/Adjustments ó None

Appointments/Resignations ó None

Reports by Town Board Members ó Mr. Ruffell and members of the Business Improvement District (BID) will meet with garden club members on February 12th to discuss landscaping the Right of Way project in town.

Approval of Claims - A motion was made by Mr. Ruffell, seconded by Mr. Tobin, to **approve the abstract of claims for January 11, 2010 including vouchers #1 through #123 (voided #29) with a grand total of \$72,616.08 and to authorize the Supervisor to issue payments for same.** 5 Ayes 0 Nays MOTION CARRIED

Comments from the Public ó None

Adjourn - A motion was made by Mr. Ruffell, seconded by Mr. Robusto, to **adjourn at 7:47 p.m.** 5 Ayes 0 Nays MOTION CARRIED

Respectfully submitted,



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01/19/10

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Debra DeMinck
Ontario Town Clerk

approval of the town board.