

**Town of Ontario
Planning Board Minutes
December 13, 2011**

Present: Planning Board Members - Chairman, Eduard Kerkhoven, Gerald Smith, Joseph Catalano, Jason Coleman; Stephen Leaty; Katie Kelsch – Planning Board Secretary; Town Engineer – Kurt Rappazzo from MRB Group

Chairman Kerkhoven called the meeting to order at 7:30 p.m., led the Pledge of Allegiance, and requested approval of the minutes dated November 8, 2011.

Minutes

Mr. Catalano moved to approve the minutes dated November 8, 2011 as presented and Mr. Leaty seconded the motion. Vote:

Gerald Smith voted	-Aye
Joseph Catalano voted	-Aye
Stephen Leaty voted	-Aye
Jason Coleman voted	-Aye
Eduard Kerkhoven voted	-Aye

Public Hearings

Lot 1 J. Crane Subdivision and Site Plan – 6861 Fisher Road

The application of Mr. and Mrs. John Crane requesting Preliminary/Final Site Plan and Preliminary/Final Subdivision approval for a two lot subdivision located at 6861 Fisher Road. The property is owned by the applicants and zoned R-2. Mr. Fred Shelley of Shelley Associates was present.

Mr. Shelley stated to the board that the reason for the previous postponements was so that the wetlands could be delineated. The wetlands have been delineated with a couple of minor revisions so that the wetlands would not be disturbed. Some of the revisions dealt with the access drive, there is a seasonal swale that runs through it with wetland characteristics. The culvert was originally proposed to be removed, but it is large enough to accept a 12 foot driveway with the placement of stone. The water service will be bored under the wetlands. The wastewater system was re-configured and re-designed for minimum separation distances so that it fits in.

Chairman Kerkhoven asked for public comment. There was none.

**SEQRA RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: J. Crane Subdivision
Minor Preliminary & Final Subdivision
6861 Fisher Road, Ontario New York
Tax Parcel Number: 64118-00-100349**

WHEREAS, Mr. and Mrs. John Crane have submitted an application for Minor Preliminary and Final Subdivision approval for the purpose of subdividing a currently existing parcel, located at 6861 Fisher Road into 2 lots, containing approximately 3 acres (Lot 1) and 17.7 acres (Lot 2), respectively; 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 August 10, 2011, as part of the application materials;

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the applicants and following a public hearing on this matter, held on December 13, 2011, 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 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 applicants, including the Subdivision Plan prepared by Shelley Associates, P.E, L.S., P.C. bearing File Number 11-5437-S and dated 8/10/2011.

The within Resolution was moved by Planning Board Member Jason Coleman, 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
Jason Coleman voted	Aye
Eduard Kerkhoven voted	Aye

Adopted by the Planning Board on December 13, 2011.

APPROVAL RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: J. Crane Subdivision
Minor Preliminary & Final Subdivision
6861 Fisher Road, Ontario New York
Tax Parcel Number: 64118-00-100349

WHEREAS, Mr. and Mrs. John Crane have submitted an application for Minor Preliminary and Final Subdivision approval for the purpose of subdividing a currently existing parcel, located at 6861 Fisher Road into 2 lots, containing approximately 3 acres (Lot 1) and 17.7 acres (Lot 2), respectively; and WHEREAS, the Planning Board issued a negative declaration, pursuant to SEQRA, on December 13, 2011;

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the applicants and following a public hearing on this matter, held on December 13, 2011 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 of the application, subject to the following conditions:

CONDITIONS OF APPROVAL

1. This resolution is based upon the materials submitted by the applicants, including the preliminary and final Subdivision Plan prepared by Shelley Associates, P.E., L.S., P.C., bearing File Number 11-5437-S and dated 8/10/2011.
2. Resolution of all written comments of the Planning Review Committee dated December 5, 2011.

The within Resolution was moved by Planning Board Member Jason Coleman, 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
Jason Coleman voted	Aye
Eduard Kerkhoven voted	Aye

Adopted by the Planning Board on December 13, 2011.

**APPROVAL RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: Crane Site Plan
Preliminary & Final Site Plan
6861 Fisher Road, Ontario New York
Tax Parcel Number: 64118-00-100349**

WHEREAS, Mr. and Mrs. John Crane have submitted an application for Minor Preliminary and Final Site Plan approval for the purpose of constructing a single family home located at 6861 Fisher Road Lot 2;

WHEREAS, this application is a Type II Action under Section 617.5 and, therefore, is not subject to an environmental review under SEQRA.

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the applicants and following a public hearing on this matter, held on December 13, 2011 and the Planning Board having given this matter due deliberation and consideration; it is

RESOLVED that the Planning Board hereby grants Preliminary and Final Site Plan approval of the application, subject to the following conditions:

CONDITIONS OF APPROVAL

3. This resolution is based upon the materials submitted by the applicants, including the preliminary and final Site Plan Plan prepared by Shelley Associates, P.E., L.S., P.C., bearing File Number 11-5437-SP and dated 8/10/2011.
4. Resolution of all written comments of the Planning Review Committee dated December 5, 2011.

The within Resolution was moved by Planning Board Member Jason Coleman, 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
Jason Coleman voted	Aye
Eduard Kerkhoven voted	Aye

Adopted by the Planning Board on December 13, 2011.

Lot #12 Cool Breeze Estates, 718 Boston Road – Site Plan

The application of Cool Breeze Estates, LLC requesting Site Plan approval for a single family home located at Lot #12 Cool Breeze Estates Subdivision, 718 Boston Road. The property is owned by the applicant and zoned R-2. Mr. John Graziose was present.

Mr. Graziose stated to the board that he was in receipt of the PRC comments and has replied and complied with all the comments.

Mr. Catalano questioned the last sentence of “J” on the plan notes, and asked if they were not going to do the project in the winter months. Mr. Graziose responded that he will make sure that “J” gets stricken from the plan. There will be no reference to when the system can be installed.

**APPROVAL RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO**

**RE: Lot #12 Cool Breeze Estates
Preliminary & Final Site Plan
718 Boston Road, Ontario New York
Tax Parcel Number: 61118-00-703611**

WHEREAS, Cool Breese Estates, LLC has submitted an application for Minor Preliminary and Final Site Plan approval for the purpose of constructing a single family home located at Lot #12, 718 Boston Road and;

WHEREAS, this application is a Type II Action under Section 617.5 and, therefore, is not subject to an environmental review under SEQRA.

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the applicants and following a public hearing on this matter, held on December 13, 2011 and the Planning Board having given this matter due deliberation and consideration; it is

RESOLVED that the Planning Board hereby grants Preliminary and Final Site Plan approval of the application, subject to the following conditions:

CONDITIONS OF APPROVAL

1. This resolution is based upon the materials submitted by the applicants, including the preliminary and final Site Plan John A. Greene Associates, bearing File Number 06-880 and dated 10/8/2011.
2. Resolution of all written comments of the Planning Review Committee dated November 29, 2011.
3. Removal of last sentence of Plan Note "J".

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
Jason Coleman voted	Aye
Eduard Kerkhoven voted	Aye

Adopted by the Planning Board on December 13, 2011.

Tops Fuel Facility – 6272 Furnace Road – Site Plan and Special Permit (postponed from last month)

The application of Tops Markets, LLC requesting Site Plan and Special Permit approval to construct a fuel facility, including three pump islands, a 2520sf canopy and a 227.5sf kiosk at the above location. The property is owned by the applicant and zoned Business (B). Mr. Brian Bouchard of CHA and Louis Terragnoli of Tops were present.

Mr. Bouchard stated that there were many comments at the past meetings from the board members, the engineer and the PRC Comments. All of the comments have been addressed in the new plan that he submitted. Included in the plan is the new location of the ice machine and the air machine. Revisions to the stop bars have been made, they have been shifted back. A few turning movements have been added to the current drawing. One set of stop bars has been eliminated completely from the entrance to the plaza near the bank. They have had recent discussions with bank in regards to the planning board's recommendation at the concept phase to close off the one bank entrance. The bank is not pleased with this plan, so a new plan has been developed in regards to the entrance to the bank. The entrance is widened down to 15 feet with angled curbing and additional "Do Not Enter" signage will be added. Vehicles would still be able to use the dedicated driveway.

Chairman Kerkhoven questioned why is there a need to have two entrances when there is a dedicated road. He would prefer to have a dedicated sidewalk to pedestrians.

Chairman Kerkhoven inquired about the increase in green space and decrease in pavement. Mr. Bouchard stated that the Northwest corner of the parking lot has been removed and green space will be added. The islands in the middle will be green space along with the islands at the end of the parking rows.

Mr. Catalano questioned how many parking spaces will be lost to green space. Mr. Bouchard replied that a parking plan had been put together and currently there is excessive parking.

Mr. Coleman questioned the litter in the parking lot and more specifically in the southeast corner of the plaza. Mr. Terragnoli responded that the owners of the plaza are contracted with a maintenance company to clean up the plaza on a regular basis. There will be very little garbage generated by the fuel facility.

Mr. Coleman stated that he feels it's the responsibility of the businesses in the plaza to get the plaza cleaned. He likes the current traffic patterns and the added green space.

Mr. Smith questioned if there will be trash receptacles at the pumps. Mr. Bouchard answered yes. Mr. Smith likes where the air pump currently is but thinks that the ice machine should be closer to the kiosk.

Chairman Kerkhoven stated that he is concerned with the possibility that traffic can cut through the fueling area from the parking lot to get to the exit faster. He further questioned how many cars can wait in line for fueling before the line starts backing up into the parking lot. Mr. Bouchard stated that it appears that one person at the pump with one person waiting in line.

There was a discussion on curbing and possibly extending the curbing further north to make the fuel facility more closed off so that there wouldn't be any waiting cars blocking traffic in the plaza. It was decided to leave the curbing and stripes the way they are currently planned.

There was a discussion on the bank entrance. Mr. Leaty is not sure how CHA will accomplish the ADA accessibility for the sidewalk. Mr. Bouchard stated that they can create the sidewalk as continuous in the asphalt.

Chairman Kerkhoven asked for public comment.

Ms. Jean Tsepas of Lyons National Bank was present. She stated to the board that the traffic flow is good the way it is now. There is a lot of traffic through the access driveway including tractor trailers and goodwill drop-offs. She thinks that making the entrance smaller with more signage would be great.

Mr. Catalano believes that closing off the access will hurt the bank. He likes the entrance with the ADA accessibility, and making it a continuous sidewalk in the pavement. He stated that if the dedicated road is the only entrance for the bank drive-thrus, his belief is that you are adding too much to a driveway that wasn't meant for it.

Mr. Leaty stated that he is more concerned with all the money and energy that has been used creating a sidewalk walkway that extends all the way up town. This is the missing link.

Chairman Kerkhoven believes they spent a lot of energy in creating a sidewalk with a bridge. He doesn't believe the bank will lose any business if the driveway is closed. It's just a matter of convenience. Closing the entrance and creating a sidewalk would greatly increase the safety of pedestrians.

Mr. Smith stated that he can live with the new plan that was presented tonight as long as it stays ADA compliant. He would feel comfortable with some sort of curbing or protective barrier on the outside of the "concrete area" to ensure the safety of the people using the walkway. Mr. Coleman agrees with Mr. Smith.

Mr. Bouchard explained to the board where the "Do Not Enter" and "Exit" signs will exactly be located on the new plan.

Mr. Rappazzo believes that the energy should be more focused on the traffic flow for the bank and closing the driveway. He went on to design a traffic pattern on the plans for the bank ATM and drive-thrus.

Chairman Kerkhoven stated that if the overall plan for the plaza was brought in for the first time today, the board would not approve that opening for the bank.

**APPROVAL RESOLUTION
FINAL SITE PLAN & SPECIAL PERMIT
PLANNING BOARD
TOWN OF ONTARIO
RE: 6272 Furnace Road – Tops Fuel Facility
Tax Parcel Number: 63117-10-434633**

WHEREAS, Tops Markets, LLC have submitted an application for Preliminary/Final Site Plan and Special Permit approval for approval to construct a fuel facility, including three pump islands, a 2520sf canopy and a 227.5sf kiosk at 6272 Furnace Road in the Town of Ontario; and

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 December 13, 2011, and the Planning Board having given this matter due deliberation and consideration; it is

RESOLVED that the Planning Board hereby grants Final Site Plan and Special Permit approval of the application, based upon and subject to the following:

FINDINGS & CONDITIONS OF APPROVAL

1. This Resolution is based upon the materials submitted by the applicant, including the Site Plan prepared by CHA, dated June 17, 2011, last revised November 30, 2011; the Site Plan and Special Permit Application, dated June 17, 2011
2. Resolution of all written comments of the Planning Review Committee dated November 29, 2011.
3. Moving the air and ice machines.
4. Stop signs for southerly exit
5. Push the stop bar farther south

The within Resolution was moved by Planning Board Member Stephen Leaty, seconded by Planning Board Chairman Eduard Kerkhoven,

Discussion: Mr. Catalano feels that they are not giving the engineer a chance to show that he can make the bank driveway ADA compliant, he is being forced to close off the bank entrance and that they are ignoring what Mr. Bouchard stated that he could do. If the entrance can be made ADA compatible then he would prefer to keep the entrance open, if it can't be ADA compatible, then the entrance should be closed. Mr. Bouchard stated that he can make it ADA compliant. Mr. Catalano would like to postpone the application to give CHA a chance to show that the bank entrance can become ADA compliant. Mr. Smith and Mr. Coleman agreed with Mr. Catalano.

Chairman Kerkhoven called for a straw vote – Option “A” would be to close the driveway, option “B” would be to postpone the application to give the applicant time to create more options for the bank driveway.

Gerald Smith	“B”
Stephen Leaty voted	“A”
Joseph Catalano voted	“B”
Jason Coleman voted	“B”
Eduard Kerkhoven voted	“A”

Mr. Leaty withdrew his approval motion.

The application was postponed by mutual consent.

Mr. Smith moved to adjourn the meeting at 9:20 p.m. Mr. Catalano seconded.

Katie Kelsch
Planning Board Secretary

The above minutes will become official when approved by the Planning Board.