

**Town of Ontario
Planning Board Minutes
March 9, 2010**

Present: Planning Board Members - Chairman, Eduard Kerkhoven, Stephen Leaty, Gerald Smith, Joseph Catalano, Michael Melino; Donna Burolla – Planning Board Clerk; Town Engineer – Kurt Rappazzo from MRB Group; Richard Williams - Deputy Attorney for the Town ; and William Riddell – Director of Economic Development and Parks and Recreation.

Chairman Kerkhoven called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Public Hearings

Jansen Site Plan – 7516 County Line Road

Mr. Robert Hutteman, President, Lu Engineers, representing Mr. and Mrs. Robert Jansen requested preliminary and final site plan approval to construct a single family home. The property is owned by the applicants and zoned Residential – 2 (R-2).

Mr. Hutteman reviewed the proposal stating the parcel is five acres and the home will be a single family, with three bedrooms. The zoning is R-2 and no variances are required. The home will be serviced with a raised bed septic system and water will be supplied from the Monroe County Water Authority. The applicants have applied to the Wayne County Highway Dept. for a driveway permit. The driveway has appropriate sight distance with over 1,000 ft. from the south and 330 ft. from the north, to Lake Road.

Mr. Hutteman explained how the sand filter septic system works and noted it will be all gravity, with no pump station. The leach system has been designed with a future expansion area and has been approved by the New York State Dept. of Health.

Chairman Kerkhoven read correspondence from the Wayne County Planning Board dated Feb. 25, 2010 recommending the referral be handled as a local matter since it was determined there will be no intermunicipal or countywide impact.

Mr. Hutteman stated he has given a response to the town engineer regarding the planning review committee comments dated March 1, 2010.

**APPROVAL RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: Jansen Residence Site Plan
7516 County Line Road, Ontario New York
Tax Parcel Number: 60119-00-948199**

WHEREAS, Robert and Margaret Jansen have submitted an application for Site Plan approval to construct a single family residence on a 4.9 acre parcel located at 7516 County Line Road; and

WHEREAS, this application is a Type II application, pursuant to SEQRA, requiring no further action by this Board;

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 March 9, 2010, and the Planning Board having given this matter due deliberation and consideration; it is

RESOLVED that the Planning Board hereby grants 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 Site Plan prepared by Lu Engineers, bearing project number 500006-01, drawing number S-1 and dated January, 2010.

2. In accordance with the Town's Land Development Regulations, at least the first 30' of the driveway is to be paved.
3. Resolution of all written comments of the Planning Review Committee dated March 1, 2010.

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 |
| Michael Melino voted | Aye |
| Eduard Kerkhoven voted | Aye |

Adopted by the Planning Board on March 9, 2010

Adirondack Mulch & Stone of Ontario – 6341 Ontario Ctr. Rd. & 1473 Rt. 104 – Site Plan

Mr. Michael Scarlett, d/b/a Adirondack Mulch & Stone of Ontario requested final site plan approval to use the building designated as #9 on the site plan for the sale of mulch, stone, and landscape materials and allow outside storage and display at 1473 Rt. 104. The property is owned by Lor Co., LLC and zoned Business Transitional (B.T.).

Mr. Scarlett reviewed his proposal on the smart board stating the piles of landscape materials have been divided and there is a barrier in place along the rear property line to avoid erosion. There is available parking for 500 vehicles. He noted the site has a raised berm facing the south with visual screening. On the north, there is a fence and a wooded area is to the west for security. A chained entrance faces the east along with a row of stone pallets. The pallets consist of decorative stone and are usually 3' x 3' x 4'. A sign is proposed to be attached to the Trader's Junction archway.

Chairman Kerkhoven asked how vehicles will enter the site and if the driveway from Rt. 104, over the railroad tracks would be used. Mr. Scarlett said vehicles will use the private, paved driveway from Ontario Center Road and not the one on Rt. 104. Mr. Melino asked if the driveway would be blocked so that customer traffic will know that it cannot be used. Ms. Lori Cleveland said the drive was put in 20 years ago and it would not be blocked to traffic. However, she agreed to place a directional sign to guide traffic to the Ontario Ctr. Rd. entrance/exit. Mr. Leaty asked how truck deliveries will be made. Mr. Scarlett replied they will be instructed to use the Ontario Ctr. Rd. entrance/exit and turn by the traffic light on Rt. 104. A-frame signs will be posted on the property to aid direction of traffic.

Mr. Melino asked how the parking will be defined between commercial and residential. Mr. Scarlett said concrete curbing for the parking will be installed.

Chairman Kerkhoven asked how the trucks would navigate the property to load and unload their product. Mr. Scarlett pointed to the route of the trucks, stating they have room to backup into the entrance area between the row of pallets.

Mr. Leaty asked for a general definition of the landscaping material to be used. Mr. Scarlett said he plans on using ornamental grasses that grow between 1 – 5 feet high. These will be placed on a raised berm 2-3 ft. high and mulched.

Chairman Kerkhoven opened the application for public comments and there were none.

Ms. Cleveland asked if the applicants could use the property at 1473 Rt. 104 for a display area for items that would be on sale. Chairman Kerkhoven said it has not been included as part of the approval and that use was not previously discussed. Ms. Cleveland also asked about signs. Chairman Kerkhoven advised her to contact Mr. Ed Collins, Code Enforcement Officer, about town requirements.

Mr. Rappazzo asked if the planning board wanted him to review and sign off on a mylar that would include changes discussed tonight. The board was in agreement and requested that be included as a condition of the approval. Mr.

Rappazzo summarized the changes that needed to go on the map: description of landscaping; directional signs; delineate parking and curb stops; and two signature lines for himself and the Chairman of the Planning Board.

**SEQRA RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: Adirondack Mulch & Stone Site Plan
6341 Ontario Center Road, Ontario New York
Tax Parcel Number:**

WHEREAS, Mikmeg Enterprises, Inc. and LOR Co., LLC, have submitted an application for Site Plan approval for the purpose of establishing the operations of “Adirondack Mulch & Stone” at Building #9 and on an adjacent outdoor storage area, located at 6341 Ontario Center Road; 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 January 13, 2010 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 March 9, 2010, 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

4. This resolution is based upon the materials submitted by the applicant, including the “Schematic Proposal for Improvements to S. Flanagan Flea Market”, dated February 15, 2010.
5. No new buildings are proposed.
6. Potential visual impacts associated with the storage yard area are mitigated by the berming and vegetative screening to be installed.
7. A silt fence is proposed, which will contain the materials stored in the yard, in the event of severe weather.
8. There are sufficient existing stormwater provisions on the lot, including a “Run-off Retention Basin” located adjacent to the proposed operations.
9. The operations proposed should not produce significant noise, odor or other significant environmental impact.

The within Resolution was moved by Planning Board Member Stephen Leaty, 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 |
| Michael Melino voted | Aye |
| Eduard Kerkhoven vote | Aye |

Adopted by the Planning Board on March 9, 2010.

**APPROVAL RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: Adirondack Mulch & Stone Site Plan
6341 Ontario Center Road, Ontario New York
Tax Parcel Number:**

WHEREAS, Mikmeg Enterprises, Inc. and LOR Co., LLC, have submitted an application for Site Plan approval for the purpose of establishing the operations of “Adirondack Mulch & Stone” at Building #9 and on an adjacent outdoor storage area, located at 6341 Ontario Center Road; and

WHEREAS, the Planning Board issued a negative declaration, pursuant to SEQRA, on March 9, 2010;

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 March 9, 2010, and the Planning Board having given this matter due deliberation and consideration; it is

RESOLVED that the Planning Board hereby grants approval of the application, subject to the following conditions:

CONDITIONS OF APPROVAL

1. This resolution is based upon the materials submitted by the applicant, including the “Schematic Proposal for Improvements to S. Flanagan Flea Market”, dated February 15, 2010.
2. No new buildings are proposed.
3. The outdoor storage area is to be screened with a raised berm along the south side 2’ to 3’ in height together with mulch and vegetative screening in the locations shown on the Schematic Proposal.
4. Directional signs shall be installed to direct truck and customer traffic to use the Ontario Center Road entrance.
5. The Schematic proposal is to be amended to show the directional signage; delineation of parking spaces and to label the screening vegetation.
6. Resolution of all matters set forth in the PRC Report dated March 1, 2010.

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

| | |
|------------------------|-----|
| Gerald Smith voted | Aye |
| Stephen Leaty voted | Aye |
| Joseph Catalano voted | Aye |
| Michael Melino voted | Aye |
| Eduard Kerkhoven voted | Aye |

Adopted by the Planning Board on March 9, 2010.

1250 NYS Route 104 – FunZone – Modification Special Permit

Mr. Ross Catalano, d/b/a FunZone requested a modification of the special use permit in hours of operation to allow overnight lock-ins. The property is owned by DKR Investments and zoned Business.

Mr. Catalano said he would like approval from the board to change his hours from 11 pm to the morning hours to allow for overnight lock-ins. This would be only on Friday night to Saturday morning, one or two times a month. The age restriction would be a minimum of 13 years old. The current business hours are now from 10 am to 11 pm.

The board asked Mr. Catalano about the security personnel that would present during the lock-ins. Mr. Catalano replied that for 50 people he would have one security guard on duty. He noted that he is now working with a Christian ministry group and they will also supply two volunteer members during their event.

Chairman Kerkhoven asked if the group is less than 50, how that would be addressed. Mr. Catalano said with less than 50, one security guard would be there the entire time of the lock-in.

Mr. Leaty asked how the lock-ins would work. Mr. Catalano said the doors would be locked at midnight and no one could enter or leave after that time until morning. The doors have panic hardware attached to them. Employees would be in the building to operate the snack bar and laser tag. He does encourage parents to also participate in this type of event.

Chairman Kerkhoven said the Christian group is a unique event, and asked how a general lock-in, open to the public would be staffed. Mr. Catalano said there would be one security guard for 50 people, with at least two parents, and two staff members.

Chairman Kerkhoven asked for public comments.

Robert Kelsch, Ontario Town Supervisor, asked what the name of the Christian group was and if the security guards are licensed by the state. Mr. Catalano replied the name is Young Life and the security guards he hires are licensed. Mr. Kelsch also asked if the overnight lock-ins would be offered to the public as well as private groups. Mr. Catalano replied he would like to offer public and private overnight lock-ins, twice a month. Mr. Kelsch asked who assumes the liability for overnights. Mr. Williams replied it is the responsibility of Mr. Catalano, since he is the business owner. Mr. Catalano said once the doors are locked, it is not open to the public. No one will be allowed in or out.

The board discussed if they were approving a change in hours or just a change to allow overnight lock-ins. Mr. Leaty said he was okay with the lock-ins, but not in favor of the business becoming a 24/7 operation.

Mr. Smith asked if there were security cameras installed and what activities would take place during the lock-ins. Mr. Catalano said he does not have cameras installed and there would be roller skating, laser tag until 2 a.m., the snack bar would be open, and arcade games. After 2 a.m. they would show movies. Mr. Catalano said he has previously managed lock-ins.

Mr. Smith asked again about the number of security and chaperones. Mr. Catalano stated there would be one adult and one security guard for 50 people. Other staff in the building would be there to operate the snack bar and laser tag. Mr. Smith said he was very concerned with the adult supervision for the overnight lock-ins.

Mr. Melino felt that there should be some guarantee that the parents would be involved in the activity.

Chairman Kerkhoven said he sent Mr. Catalano a letter requesting information about his security guard staff. He said that it was his understanding at the time FunZone was approved that security guards would be on staff every time the business was open. Mr. Catalano said attendance has been low at the teen club, with the most at 40 patrons. He has had to review his business plan and based on the revenue, it did not generate the need for security guards. He gave the example of having 3-4 adults to supervise 8-9 kids. He noted his first week of payroll was \$6,000 and he had to review his operations and determine how many staff he really needed.

Chairman Kerkhoven asked about the ability to deal with medical injuries, if security guards are not on staff. Mr. Catalano said he makes sure one of his staff is trained in first aid. He also said some of his security guards live within 10-15 minutes of the facility and if there is a growing need, he can contact them.

Mr. Smith stated he also was under the impression that there would be security guards on staff at all times when the business was open. He asked how many adults would be there for the overnight lock-ins and questioned the availability of first aid.

Mr. Catalano replied that there will be one security guard for up to 50 patrons in addition to one adult.

Mr. Smith asked how many would be on his payroll for any lock-in. Mr. Catalano replied for 100 people he would have two security guard staff and two volunteers. He will also have three additional paid staff between the snack bar and laser tag. This makes five paid staff members and two volunteers.

Chairman Kerkhoven questioned if there really is a need for the overnight lock-ins and was concerned about the number of staff present and security. He was not in favor of the lock-ins and felt there was potential for negative repercussions throughout the community.

Mr. Catalano said he would like the overnight lock-ins to help maintain the financial livelihood of the business. He said he has had no fights, calls or issues since the business opened. There was only one instance when 911 was called for medical assistance.

Mr. Joseph Catalano reminded the applicant that the special permit could be revoked if the town felt that it was warranted.

Mr. Leaty said he was in favor of the overnight lock-ins and changing the hours to allow that event, but not extending the hours for the everyday business operation.

Mr. Melino said he also was in favor of the overnight lock-ins for private organizations, knowing there will be adult supervision. However, he felt if the lock-ins were open to the public the crowd is different and extra adult supervision may be required.

Mr. Smith said he would like to go on the record as being against open enrollment type lock-ins as the patrons or individuals who make-up the group would be unknown as compared to specific organizations or groups where membership is known. This could cause a greater propensity for problems and security needs.

Chairman Kerkhoven opened the application for public comments. The owner of Sparky's Cans & Bottles, 6341 Ontario Ctr. Rd., asked if anyone would be checking the customer's belongings for contraband as they enter the building for alcohol, etc. Mr. Catalano replied they would be checked. Mr. John Stewart, said he works for the Rochester City School District and is head of security at FunZone. He works with children in the "I'm Ready" program and has experience in working with children who are prone to acting up.

**APPROVAL RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: FunZone
Modification - Special Permit
1250 Route 104, Ontario New York
Tax Parcel Number: 62117-10-384624**

WHEREAS, Ross Catalano, d/b/a/ FunZone has submitted an application for Modification of a Special Permit approval for the purpose of allowing overnight "lock-ins" at FunZone, the business at the above location; and

WHEREAS, the Planning Board issued on January 13, 2009 a negative declaration, pursuant to SEQRA, and a Special Permit for the above business;

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 March 9, 2010, and the Planning Board having given this matter due deliberation and consideration; it is

RESOLVED that the Planning Board hereby grants approval of the application, based on the following findings and subject to the following conditions:

FINDINGS & CONDITIONS OF APPROVAL

1. This approval is based on the materials submitted by the applicant including the Modification - Special Permit application dated February 18, 2010.
2. The use proposed by the applicant is in the category of "Indoor Recreation Facility", requiring a Special Permit, in accordance with Town Code Sections 150-42(S) and 150-43 – Special Permit. The Planning Board has examined all of the requirements of such Sections, as they relate to the use proposed by the applicant.
3. All of the Findings of Fact and Conditions of Approval dated January 13, 2009 remain in effect.

4. The applicant is to fully comply with all requirements of the State of New York, Town of Ontario and any other regulatory agencies with regard to the proposed business operations.
5. The operations of the applicant will take place inside the existing structure and no new structures are proposed to be built.
6. The parking provided on the site is more than adequate for the proposed employees and anticipated customers
7. Overnight "lock-ins" will be held only on Friday nights, from 11 pm to 8 am, a maximum of two times a month
8. One licensed, security guard and two adults will be on staff for 0-50 children
9. Per every 50 children, an additional licensed, security guard and two adults are required
10. No one will be permitted outside of the building after midnight
11. Parents must sign out their children
12. Based upon the above specific findings, the Planning Board further finds that the proposed operation will not cause any injury to the value of other property and will be reasonably compatible with adjoining operations and the character of the district where it is to be located.
13. The applicant is to comply with all specific requirements set forth in Town Code Section 150-42(S) and 150-43.

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

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|------------------------|-----|
| Eduard Kerkhoven voted | No |
| Joseph Catalano voted | Aye |
| Gerald Smith voted | No |
| Michael Melino voted | Aye |
| Stephen Leaty voted | Aye |

Adopted by the Planning Board on March 9, 2010.

Public Hearing Closed

6254-6272 Furnace Road – Tops Plaza – Site plan Modification (postponed from last month)

Mr. Andrew Hart, from Bergmann Associates, representing ABVI Goodwill requested modification to the Tops Market Site plan to locate a 10 ft. x 17 ft. pre-manufactured donation drop-off structure located at the southwest corner of the Tops Plaza. The property is owned by Developers Diversified Realty (DDR) and zoned Business.

Mr. Hart introduced Mr. Tim Gleason from ABVI Goodwill. He noted this is the 4th meeting before the board and presented a map showing a 10 ft. x 16 ft. wood storage structure located near the Lyons National Bank, at the southwest corner of the plaza. The structure will be landscaped. He distributed a picture of the storage structure which has overhangs, and transom windows in the rear for light, since it will not have electricity. The structure will be white with blue trim and have architectural shingles on the roof. The picture distributed is the same type of structure that is at the Tops Plaza in Avon, NY.

Chairman Kerkhoven asked Mr. Williams if the easement agreement with the owner of the property for the storm water management pond has been finalized. Mr. Williams advised he has spoken with counsel, but he is not willing to commit to sign an easement. Mr. Williams said he could not recommend to the planning board to adopt a Resolution regarding the storage structure without having a commitment regarding the easement agreement.

Chairman Kerkhoven asked if a sight distance report has been done regarding the Furnace Road entrance/exit to the Tops Plaza. Mr. Hart said it has been submitted to our town engineer. The conclusion is to relocate the exit sign to the east and remove a tree and vegetation which will allow traffic turning south on Furnace Road a better view to Rt. 104.

Chairman Kerkhoven said the planning board still has various views on the location of the storage structure and a lot of difference in opinions. He advised Mr. Hart that he appreciates his responsiveness in addressing concerns of the board, but the easement agreement has not been finalized.

Mr. Hart said this is their 4th meeting and a decision needs to be made by the board. He said the signature on the easement agreement could be a condition of approval and ABVI Goodwill would wait for the signature before placing the building on the site. He advised the board that DDR has approved of the location and they have contacted the other tenants within the plaza.

The board discussed the other alternate locations. Mr. Hart said the preferred location is where the current blue bins are located (at the west end of the parking lot), but a variance would be needed for that location. This would result in another delay.

Mr. Melino was concerned with how the traffic would exit from the bank with the location being proposed tonight. He also questioned where the snow would be placed. He said if the majority of the board was in agreement, he would be in favor of the location being proposed tonight.

Mr. Smith said he was in agreement with the location near the bank.

Mr. Leaty said he liked the first and second locations, but felt the location now being proposed is the worst option. He was not comfortable with it.

Mr. Catalano said he also felt it was the worst option. He said he preferred where the blue bins are now located in the parking lot and felt it was the best spot, traffic wise. He also stated he does not like the idea of having an employee at the site and if it was not attended he would feel better about the proposal. Mr. Catalano asked what household items mean as far as donations. Mr. Gleason said ABVI Goodwill does not take appliances or T.V.'s or large items. Household goods refer to books, dishes, kitchen items. Mr. Gleason stated the site in Avon is not attended.

Mr. Rappazzo said he did not have any engineering concerns regarding the current site.

Mr. Donald Anderson asked why the public hearing was closed since he owns property on the other side of the fence, near the bank. Chairman Kerkhoven replied that it is not at all unusual to close a public hearing after three months.

Mr. Catalano asked why ABVI Goodwill does not want to apply for a variance. Mr. Gleason said the postponement does cost the loss of resources and delays starting construction. Mr. Hart said the question also remains if the variance would be granted. Mr. Catalano felt the approval tonight for the location at the west end of the parking lot (where the blue donation bins are now located) could be conditional upon obtaining a variance and receiving a letter of commitment regarding the easement.

Mr. Williams suggested, although unusual, that approval could be granted tonight for either location.

Mr. Melino suggested that the approval could be granted tonight for the location at the southwest corner of the plaza (near the bank) and then a variance could be obtained for the west end parking lot location. This would require another appearance before the planning board.

Mr. Williams recommended attaching a document to the Resolution regarding the easement agreement and making it a condition of approval.

Mr. Smith asked where the sign will be located. Mr. Gleason said it will be on the left hand side of the door panel and it is known as the "Smiley G". Also A-frame signs will be used to direct customers to the site. Mr. Gleason said the site will be checked two times a week, if the structure is not attended by an employee. Also, the owner, DDR will monitor the site every day.

**SEQRA RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: Tops Plaza Site Plan Modification
6254-6272 Furnace Road, Ontario New York**

Tax Parcel Number: 63117-10-434642

WHEREAS, Bergmann Associates, as agent for ABVI and DDR Ontario Plaza, LLC, has submitted an application for Site Plan Modification approval for the purpose of erecting a 10' x 16' donation drop-off structure at the Tops Plaza; 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 November 13, 2009 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, opened on December 8, 2009 and continued to March 9, 2010, 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 applicant, including the modified "Conceptual Site Plan" prepared by Bergmann Associates, bearing drawing number CP-03 and dated February 25, 2010.
2. The proposed structure will replace existing drop-off bins and will not result in a significant increase in traffic.
3. Potential visual impacts associated with the structure are mitigated by the location of the structure and the installation of vegetative screening.
4. The existing stormwater control measures for the site are sufficient to accommodate the minimal additional stormwater runoff associated with the proposed structure.
5. The additional structure proposed by the applicant will be used only for the drop-off of household charitable donations and will not produce significant noise, odor or other significant environmental impact.

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

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|-----------------------|-----|
| Gerald Smith voted | Aye |
| Stephen Leaty voted | Aye |
| Joseph Catalano voted | No |
| Michael Melino voted | Aye |
| Eduard Kerkhoven vote | Aye |

Adopted by the Planning Board on March 9, 2010.

**APPROVAL RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: Tops Plaza Site Plan Modification
6254-6272 Furnace Road, Ontario New York
Tax Parcel Number: 63117-10-434642**

WHEREAS, Bergmann Associates, as agent for ABVI and DDR Ontario Plaza, LLC, has submitted an application for Site Plan Modification approval for the purpose of erecting a 10' x 16' donation drop-off structure at the Tops Plaza; and

WHEREAS, the Planning Board issued a negative declaration, pursuant to SEQRA, on March 9, 2010;

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, opened on December 8, 2009 and continued to March 9, 2010, and the Planning Board having given this matter due deliberation and consideration; it is

RESOLVED that the Planning Board hereby grants approval of the application, subject to the following conditions:

CONDITIONS OF APPROVAL

1. This resolution is based upon the materials submitted by the applicant, including the modified “Conceptual Site Plan” prepared by Bergmann Associates, bearing drawing number CP-03 and dated February 25, 2010.
2. The building architecture of the new structure is to be as depicted on the renderings submitted by the applicant’s agent on February 25, 2010.
3. Vegetative screening is to be installed and continuously maintained as per the Conceptual Site Plan.
4. Prior to the installation of the structure, the applicant, DDR Ontario Plaza, LLC is to execute and deliver to the Deputy Town Attorney a “Stormwater Management Agreement” with the Town, relative to the existing “Stormwater Detention Basin” located on the property. The provisions of the Stormwater Management Agreement shall as are attached. The Agreement is to be recorded in the Wayne County Clerk’s Office, with the applicant DDR Ontario Plaza, LLC to be responsible for the recording costs.
5. Site modifications to improve sight distance along Furnace Road are to be made in accordance with the “Tops Plaza Sight Distance Evaluation” prepared by Bergmann Associates, dated February, 2010.
6. In accordance with representations made by the applicants, this approval is for the use of the approved structure by ABVI, only, and such structure is to be immediately removed at such time as it is no longer used by ABVI.

The within Resolution was moved by Planning Board Member Michael Melino, 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 | No |
| Michael Melino voted | Aye |
| Eduard Kerkhoven voted | Aye |

Adopted by the Planning Board on March 9, 2010.

Informal Discussions

1816 Ridge Road – (Zoned SR & R2) – Affordable Family Home Project – Fallone Builders

Mr. Al LaRue, from McMahon LaRue Associates, representing Mr. Frank Affronti, reviewed a proposal of a mixed use development. The property is owned by Mr. Affronti and zoned SR and R2. The mixed use is proposed as PUD (planned unit development) and entitled “Town Center PUD”.

Mr. LaRue distributed a conceptual PUD site plan for the board’s review. He stated the developers, Ronald Fallone and his brother have reached an agreement with Mr. Affronti regarding the sale. Mr. Fallone was present for tonight’s meeting.

The development would consist of townhomes, apartments, single family homes, and some commercial stores. Mr. LaRue said the concept includes “new urbanism development” by providing loft apartments above commercial storefronts that provide services such as a coffee shop, laundromat, or services that would be used by the residents. Mr. Affronti would also like to locate his office on the site.

Mr. LaRue said the entire site consists of 145.5 acres and he is proposing to access it from Walter Cone Drive. A portion of the property has wetlands and flood plain. There will be a sidewalk connecting to the school property and also on one side of the street. Varying setbacks will be utilized to give the appearance of open space. A variety of housing types will be provided, with a portion for high end single family homes. In the future, the creek may be crossed to provide an exit

on Paddy Lane Road. The plan includes a portion of green space to be maintained as a forever wild area. It also provides for connectivity between the school and town hall properties.

Mr. Rappazzo, town engineer, asked if there is an alternate means for ingress/egress. Mr. LaRue said there is a possibility of a secondary access from Ontario Center Road.

Chairman Kerkhoven said he is open to the concept and asked how many units would be included. Mr. LaRue said a market study has not yet been done and that will dictate how many residential units and what type.

Mr. Melino felt the plan was a good idea and liked the separation of the different types of residential structures so that the value of the homes would be maintained.

Mr. Smith said he will reserve his comments until he can see the kinds of homes, styles, and quantity being proposed. He asked who would manage the apartments. Mr. LaRue said the company needs to be approved by DHCR and said most likely it would be DeMarco, Conifer, or Leenhouts.

Mr. Leaty said the concept looks good. Mr. Catalano asked about the zoning and if the project will be phased. Mr. LaRue said the rezoning to a PUD needs to be approved by the town board and the project will be phased.

Chairman Kerkhoven said he was pleased to see this type of different development and thanked Mr. LaRue for putting together a colored rendering of the map which better defines the layout of the project.

267 Berg Road (Zone R2) – Residential Care Facility, Adult – Mr. Wes Belmore

Mr. Walter Baker, representing Mr. Wes Belmore, reviewed a concept for an adult residential care facility. He stated the site is 50 acres and located 2500 ft. from County Line Road, on Berg Road. It will consist of 12 bedrooms, two of them designated for double occupancy.

Mr. Belmore stated the facility will have supervision 24/7, serve 3 meals a day, and be all wheelchair accessible. There will be 2-3 staff people at the site, with one full time employee overnight. Housekeeping and laundry will be done for the residents. It will have a full basement for storage of personal items and be serviced by public water and a modified fill septic system. Employee and visitor parking will be provided and emergency access for vehicles will be included in the plan. The remaining property will remain forever wild.

Chairman Kerkhoven asked if the facility will be regulated by the state and if the size is regulated. Mr. Belmore said it is regulated by the New York State Dept. of Health, but there is no limit on size. Mr. Belmore advised that he does not plan on expanding the facility to keep it in more of a home environment.

Chairman Kerkhoven said the quality of life issues are huge and asked what could be done on the outside on the grounds to address this issue. Mr. Belmore said they will have trips to stores, churches, planned activities inside, and also gardening outside.

Mr. Smith asked if the facility will comply with fire codes and include sprinklers. Mr. Belmore replied that the facility will include a sprinkler system.

Chairman Kerkhoven advised the applicant to contact the neighbors and make sure they are aware of the project. Mr. Belmore said he has contacted them and 99% are in favor of it.

The planning board advised Mr. Belmore the next step would be to submit a site plan for preliminary/final approval.

1775 Ridge Road – Cardella Subdivision – Anco Builders – Mr. John Colaruotolo

Mr. Lee Sinnebox, from Costich Engineering, representing Cardella Enterprises, reviewed a proposal for 64 apartments located at 1775 Ridge Road. He noted that the plan was originally approved in 2007 for townhomes, but never

constructed. The new plan is for apartments, which will all be two-story with attached garages. The detention pond and other mechanics of the plan will remain the same. The apartments will be two bedroom units, between 1100 – 1200 square feet. Each unit will have parking for two vehicles, plus additional space designated for visitor’s parking on the site.

Mr. Smith asked who would manage the apartments. Mr. Sinnebox replied the owner of the property, Anco Builders.

Chairman Kerkhoven noted he was concerned with the increased density. Mr. Leaty was also concerned with the density and maintaining green space. He suggested a sketch plan be developed. Mr. Sinnebox said tonight’s plan is not significantly different from the original approval. Mr. Leaty said the density issue was being pushed when the plan was approved in 2007.

Mr. Rappazzo asked if Mr. Cardella still intends to develop the commercial pieces of property on Rt. 104. He suggested if they were not going to be used; the additional acreage could be combined with the apartments to help alleviate the density. Mr. Sinnebox advised that he thought Mr. Cardella is still interested in doing the commercial development.

Chairman Kerkhoven advised the planning board members to look at a development on NYS Rt. 250, in Webster, heading north. He said it has apartment buildings that are located in close proximity to each other and this may help in defining how this development will look.

Minutes

Mr. Catalano moved to approve the minutes dated February 9, 2010 as presented. Mr. Leaty seconded the motion. Vote: 5-0


Eduard Kerkhoven - Aye
Joseph Catalano - Aye
Gerald Smith - Aye
Michael Melino - Aye
Stephen Leaty - Aye

Vice Chairman Appointment

Chairman Kerkhoven moved to appoint Mr. Leaty as Vice Chairman for the year for 2010. Mr. Catalano seconded. Vote: 4-0-1 (Abstention)

Eduard Kerkhoven - Aye
Joseph Catalano - Aye
Gerald Smith - Aye
Michael Melino - Aye
Stephen Leaty - Abstain

Mr. Melino moved to adjourn the meeting at 10:15 p.m. Mr. Smith seconded.



Donna Burolla, Clerk
Planning Board