

**Town of Ontario
Planning Board Minutes
January 11, 2011**

Present: Planning Board Members - Chairman, Eduard Kerkhoven, Stephen Leaty, Gerald Smith, Joseph Catalano; Katie Kelsch – Planning Board Secretary; Town Engineer – Kurt Rappazzo from MRB Group; and William Riddell – Director of Parks and Recreation and Economic Development

Chairman Kerkhoven called the meeting to order at 7:30 p.m. , led the Pledge of Allegiance, and requested approval of the minutes dated October 12, 2010.

Minutes

Mr. Smith moved to approve the minutes dated October 12, 2010 as presented and Mr. Leaty seconded the motion. Vote:

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

Public Hearings

ESL Site Plan – Preliminary and Final Approval

Mr. Eric Schaaf, of Marathon Engineering, representing ESL Credit Union, requested preliminary and final approval of the ESL Site Plan located at 6301 Ontario Center Road. The property is owned by John Giovenco and zoned Business (B). Mr. Peter Giovenco and Mr. John Giovenco were also present.

Mr. Schaaf distributed a rendering of the ESL Federal Credit Union kiosk and explained that this is an existing property and that there will be a demolition of some of the buildings. There will be an ATM kiosk with ingress only for southbound traffic from Route 350, and ingress/egress at the Ridge Road entrance. There will not be an option for exiting onto Route 350, this driveway is curved to prevent left hand turns from Route 350. The driveway from Ridge Road will be divided with a median. There will be a stone parking area to service the existing house. The whole parcel will be landscaped with traditional landscaping and security lighting. ESL contracts with a firm that visits each site daily to ensure that the parcels are looking good. There is water service for irrigation of the landscaping. The PRC comments have all been addressed and responded to, the revised plans have been delivered to the board. There is not a need for a variance, the location is 1.4 acres and final site plan approval is being requested.

Mr. Kerkhoven expressed his appreciation for the irrigation on the property and the assurance that the property will remain looking nice. Mr. Kerkhoven inquired about the elevation from Route 104 to the property. A concern of his would be that people might park on Route 104 and walk over to the ATM. Mr. Schaaf was not sure of the grade changes. Mr. Smith suggested that the landscaping be extended down the property line to create a visual deterrent. Mr. Schaaf explained that ESL would want to be visible for marketing and security reasons. Mr. Schaaf agreed that low lying shrubbery could be looked into.

Mr. Kerkhoven questioned which buildings on the parcel would be demolished. Mr. Schaaf explained that the barn, the bathhouse and the pizzeria would be demolished and the house would remain on the parcel.

Mr. Kerkhoven asked the board if there were any questions.

Mr. Leaty likes the direction that the board took at the last meeting. He does have a concern about the entrance from Route 350 and would like to see it narrowed from 16ft to 12ft and have the bend even more exaggerated than it is to discourage left hand turns. There was a discussion about the safety of the vehicles and making turns onto such a narrow drive. Mr. Schaaf would want to make sure that the turn can be done safely. Mr. Catalano asked what the state DOT guidelines were in regards to access drives and Mr. Schaaf explained that they met the minimum requirements for the state guidelines. Mr. Peter Giovenco expressed his concern for snow removal and the restriction a narrow driveway might have for snowplows and emergency vehicles. Mr. Kerkhoven stated that a narrower driveway may discourage wrong way traffic.

Mr. Leaty questioned what the building elevations were. Mr. Schaaf produced a prototype and explained that the site specific architectural have not been done yet. The site would be close to the prototype but not an exact duplicate. He explained the layout of the kiosks and where the security lighting would be.

Mr. Catalano questioned how the cut through traffic could be discouraged. Mr. Schaaf stated that no ideas came to mind as far as deterring cut through traffic. Mr. Kerkhoven believes that this would only be a problem at school starting times.

Mr. Catalano questioned what the intent for the existing house is. Mr. Peter Giovenco stated that the goal is to invest some money into it and make it commercial. They are hoping to clean-up the whole corner and create office space. Mr. Catalano stated that he would prefer to see office space there instead of a home and felt it would fit the town master plan better as the corner is zoned business.

Mr. Kerkhoven asked Mr. Rappazzo if he is all set with the PRC comments and the response was yes.

Mr. Kerkhoven read the letter from the Wayne County Planning Board dated December 9, 2010. The Wayne County Planning Board will not meet again until January 26, 2011 and their thirty day time period to get back to this board has expired.

Chairman Kerkhoven opened the application for public comments.

Mr. Thomas Huss of 878 Clevenger Road asked where the tenants of the residence will park. It was explained that there will be a gravel parking area behind the house for the tenants use and that the back door of the house is the primary entrance. Mr. Peter Giovenco explained that eventually he will have to come back to the board for a site plan amendment to add more parking when the house is converted into commercial use. Mr. Huss stated he is concerned about all of the parking area on the parcel being turned into greenspace. Mr. Huss went on to explain that his interest in this corner is selfish in the fact that this development kills any prospects of a larger development that he and other property owners on that corner may have in the future. He went on to state that his belief is that the assessment of the restaurant would be higher than the kiosk and that the town would lose tax dollars. Mr. Kerkhoven stated that it's not the Planning Boards duty to make decisions on assessments. Mr. Huss does not

believe that the kiosk has any benefit or advantage to the town and does not see a need for a drive-thru ATM. Mr. Huss is also concerned about the lighting and the fact that there are residencies in the area. He asked if there will be driveway lighting. Mr. Schaaf explained that the driveway lighting and the security lighting will have shields resulting in zero light spillage to adjacent properties.

There was a brief discussion on the 20ft sewer easement located on the parcel. Mr. Kerkhoven explained that it's there in case the town has to go in and make repairs, any restoration of the property is at the owners expense.

Mr. Smith asked if there is any other signage on the parcel for the business besides what will be on the structure. Mr. Schaaf explained that typically there is signage on the back of traffic signs and driveway signs.

Mr. Kerkhoven closed the public hearing.

Mr. Leaty stated again his concern with the width of the one way entrance driveway off of Route 350. He would be more comfortable accepting the application if the driveway was reduced to 14 feet. Mr. Schaaf would like to confirm with DOT regulations to make sure a width of 14 feet will be okay. Mr. Kerkhoven stated that the board is prepared to make a motion at 14 feet and if that won't work for the applicants they will have to come back for the next meeting. It was agreed that everyone would operate under the assumption that 14 feet will be fine and that the throat of the driveway will be in accordance with DOT regulations.

**SEQRA RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: ESL Site Plan
Preliminary & Final Site Plan
6301 Ontario Center Road, Ontario New York
Tax Parcel Number: 62117-11-733670**

WHEREAS, Marathon Engineering, as an agent for ESL Federal Credit Union, has submitted an application for Preliminary and Final Site Plan approval for the establishment of a drive-thru ATM facility, to be located at 6301 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 October 15, 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 applicants and following a public hearing on this matter, held on January 11, 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 Site Plan prepared by Marathon Engineering, bearing File Number 0112-09 and dated December 8, 2010 and revised January 4, 2011.
2. The proposed survey will result in minimal impact on traffic.
3. The proposed operation of the applicant will result in minimal noise impact.
4. Potential small to moderate impact associated with this action can be adequately mitigated through conditions that were proposed as discussed.
5. Potential lighting impacts on adjoining properties may be adequately mitigated by lighting fixture requirements that would include zero light spillage onto adjoining properties.
6. The proposed facility will not produce dust, odors, noise or other environmental impacts.

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
Eduard Kerkhoven voted	Aye

Adopted by the Planning Board on January 11, 2011.

**APPROVAL RESOLUTION
PLANNING BOARD
TOWN OF ONTARIO
RE: ESL Site Plan
Preliminary & Final Site Plan
6301 Ontario Center Road, Ontario New York
Tax Parcel Number: 62117-11-733670**

WHEREAS, Marathon Engineering, as agent for ESL Federal Credit union, has submitted an application for Preliminary/Site Plan approval for the establishment of a drive-thru ATM facility, to be located at 6301 Ontario Center Road in the Town of Ontario; and

WHEREAS, the Planning Board issued a negative declaration, pursuant to SEQRA, on January 11, 2011;

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 11, 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 OF APPROVAL

1. This resolution is based upon the materials submitted by the applicant, including Site Plans prepared by Marathon Engineering, dated December 8, 2010 (revised 01/01/2011); the letter of

Matthew Newcomb, dated November 18, 2010; and the Site Plan application, dated November 18, 2010.

2. The building will be constructed consistent with the Barkstrom and Lacroix drawing given during the presentation that was labeled P1, and be similar in nature.
3. Landscaping shall be installed consistent with the "Lighting and landscaping Plan", submitted as Drawing C4.0.
4. All lighting shall be contained on the site and be dark side compliant.
5. This approval is subject to the applicant receiving all required approvals from other agencies.
6. Resolution of all written comments of the Planning Review Committee, dated January 4, 2011.
7. All buildings will be demolished except for the existing house.
8. Existing pavement shall be removed to the extent shown on the given site plan.
9. One way portion of the access road off of Route 350 shall not exceed 14 feet in width.
10. Low level landscaping or visual barrier shall be installed along the northern property line to deter pedestrian access from Route 104.

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

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

Adopted by the Planning Board on January 11, 2011.

Meeting adjourned at 8:30 p.m.

Katie Kelsch
Planning Board Secretary

The above minutes will become official when approved by the planning board.