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## NOVEMBER 9, 2009 TOWN BOARD MEETING

was called to order by Supervisor Kelsch at 7:00 PM in the  
Robert Kelsch, Council members: Jason Ruffell, Lori Eaton-Smith,  
James Switzer and Stephen Tobin, Superintendent of Highways Jerry Santangelo, Building Inspector/Code  
Enforcement Officer Edward Collins, Director of Recreation & Parks William Riddell, Accountant Scott Erdeli,  
Sole Assessor Christine Luteyn, Library Director Sandra Hylen, Dog Control Officer Mark Plyter, Associate  
Attorney for the Town Amy Reichhart and Town Clerk Debra DeMinck.

Absent: Superintendent of Water Utilities Rodney Peets

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

Mr. Tobin led the Pledge of Allegiance.

Mr. Kelsch presented Justin Tyler with a citation recognizing his meritorious service to our community as a  
member of Boy Scout Troop 126. Justin performed emergency medical attention on his father on July 9, 2009  
and he was able to keep him stable until emergency personnel arrived.

**Approval of the Agenda** ó A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the  
agenda as presented.** 5Ayes 0 Nays MOTION CARRIED

**Comments from the Public** ó None

**Approval of Minutes** - Mr. Kelsch asked for approval of the minutes of the October 26, 2009 Town Board  
meeting. A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the minutes with a  
correction on page 4 paragraph 9 – change the “He also noted” to “Mr. Switzer also noted”.** 4 Ayes  
0 Nays 1 Abstention (Ruffell) MOTION CARRIED

**Correspondence** – The Town Clerk received the following correspondence: Official notification from  
Granskofski's Family Restaurant, Inc, 436 Route 104, Ontario, NY that they are renewing their alcoholic  
beverage license. A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **accept and file the  
correspondence.** 5 Ayes 0 Nays MOTION CARRIED

**Attorney for the Town Report** – The Ginna tax certiorari settlement has been signed by all parties and has gone  
to the judge. It should be settled soon.

### **Department Head Reports -**

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

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

**Sole Assessor** – A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **accept the October 2009  
report as presented.** 5 Ayes 0 Nays MOTION CARRIED



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by Mrs. Smith, seconded by Mr. Switzer, to **accept the October** MOTION CARRIED

by Mr. Tobin, seconded by Mrs. Smith, to **receive the October 2009 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

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

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

**RESOLUTION TO ACCEPT THE FGEIS FOR THE PROPOSED COMMERCE CENTER**

**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 intends to adopt a Master Plan for the Project, consistent with the existing Town Comprehensive Plan, which would provide a basis 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 must undertake an environmental review of the Project, including the Master Plan and other necessary zoning amendments or approvals (together the "Action"); and

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

**WHEREAS**, the Town Board determined that the proposed Action is a "Type I Action" as defined by SEQRA, pursuant to 6 N.Y.C.R.R. §617.4(b); and

**WHEREAS**, on June 9, 2008, the Town Board passed a resolution indicating the intent of the Town to act as lead agency for the SEQRA review of the Action, pursuant to 6 N.Y.C.R.R. §617.6(b)(3); and

**WHEREAS**, on August 25, 2008, the Town Board passed a resolution declaring itself lead agency for the SEQRA review of the Action, pursuant to 6 N.Y.C.R.R. §617.6(b), 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**, the Town notified all other involved agencies that the Town is lead agency, furnished them with a copy of the Positive Declaration, and arranged for publication of the notice of the Positive Declaration in the *Environmental Notice Bulletin*; 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**, the consultant for the Town, Costich Engineering ("Costich"), prepared a Draft Generic Environmental Impact Statement ("DGEIS") in accordance with the Scope and the requirements of SEQRA; and



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and passed a resolution accepting the DGEIS, and scheduling a Public Hearing beginning through September 3, 2009; and

filed and circulated a Notice of Completion of the DGEIS and of Public Hearing, published the Notice in the *Wayne County Mail* on August 6, 2009, arranged for publication of a notice in the *Environmental Notice Bulletin*, and filed copies of the DGEIS in accordance with the requirements set forth in 6 N.Y.C.R.R. §617.12; and

**WHEREAS**, Costich has 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**, additional time was required for adequate completion of a Final Generic Environmental Impact Statement (FGEIS) beyond the deadline set forth in 6 N.Y.C.R.R. §617.11(a)(5);

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

**NOW THEREFORE, IT IS RESOLVED**, that the Town accepts the FGEIS; and it is further

**RESOLVED**, that the Town shall prepare, file and publish a Notice of Completion of the FGEIS, and file copies of the FGEIS in accordance with the requirements set forth in 6 N.Y.C.R.R. §617.12, including filing copies with the Supervisor, the Town Clerk, and all involved agencies and persons who have requested a copy; and it is further

**RESOLVED**, that the Notice of Completion of the FGEIS shall be published in the *Environmental Notice Bulletin* and posted on the Town web site; and it is further

**RESOLVED**, the Town Clerk shall also cause a copy of that Notice to be posted on the sign board of the Town maintained pursuant to Town Law §30(6); and it is further

**RESOLVED**, that the FGEIS shall be posted on the Town's web site, pursuant to Environmental Conservation Law §8-0109(6); and it is further

**RESOLVED**, that the Town Board shall, after ten (10) calendar days, consider making SEQRA Findings in accordance with 6 N.Y.C.R.R. §617.11, and may subsequently determine whether to make a Final 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. §371.7. 5 Ayes 0 Nays  
**RESOLUTION ADOPTED**

**Budget Transfers/Adjustments** - A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the following budget transfers:**

CAPITAL PROJECT Fund transfer \$4,300.00 from H78-104-8510.205 to H78-104-8510.202

CAPITAL PROJECT Fund transfer \$3,300.00 from H78-104-8510.203 to H78-104-8510.202

GENERAL Fund transfer \$973.00 from A7310.4 to A7180.4

5 Ayes 0 Nays **MOTION CARRIED**

**Reports by Town Board Members** - None

**Approval of Claims** - A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the abstract of claims for November 9, 2009 including vouchers #2606 through #2737 with a grand total of \$195,160.31 and to authorize the Supervisor to issue payments for same.** 5 Ayes 0 Nays **MOTION CARRIED**



coming public hearings regarding the two PUD modifications: Trail (Lot #99) and signage for Crossbridge Financial Group. Meetings on Monday, November 16<sup>th</sup> at 7:00 p.m. Associate Attorney for the Town Amy Reichhart suggested Deputy Attorney Rich Williams advise the Town Board on this matter.

Mr. Kelsch presented unemployment statistics for the county. The information was provided by the New York State Association of Counties (NYSAC).

Mr. Riddell stated that Monroe County Water Authority is building a large water plant in Webster and their contractors are interested in using our harbor to deliver materials and to launch from. There was a brief discussion on commercial traffic, how many days Bear Creek Harbor would be closed to the residents and the amount of money to charge for the use.

**Comments from the Public** ó None

**Adjourn** - A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **adjourn at 8:10 p.m.** 5 Ayes 0 Nays  
MOTION CARRIED

Respectfully submitted,

Debra DeMinck  
Ontario Town Clerk

The above minutes will become official upon approval of the town board.