

**Town of Ontario
Planning Board Minutes
October 11, 2017**

Present: Planning Board Members – Chairman Stephen Leaty, Tab Orbaker, Michelle Wright, Jason Coleman, Gerald Smith, Planning Board Secretary Beth Hart, Town Attorney Richard Williams, Jim Oberst (MRB), Town Supervisor John Smith, and 39 members of the public.

Chairman Leaty called the meeting to order at 7:00pm, led the Pledge of Allegiance.

A motion was made by Tab Orbaker to approve the minutes dated September 19, 2017 and seconded by Jason Coleman.
Vote:

- Gerald Smith - Abstain
- Stephen Leaty - Aye
- Jason Coleman - Aye
- Michelle Wright - Aye
- Tab Orbaker - Aye

Public Hearings

279 Whitney Road – Preliminary/Final Subdivision

The application of Kathleen Kummerow is requesting Preliminary/Final Subdivision into one lot. The property is owned by Kenneth Kummerow and zoned R2.

Chairman Leaty read the Wayne County comments into the record:

At its regularly scheduled meeting on September 27, 2017, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Site with the following comments:

- 1) the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new septic system that will meet NYS Department of Health regulations,*
- 2) the proposed lots should be configured with enough area for each lot to have a driveway that meets AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,*
- 3) development should be done in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc. (if applicable),*
- 4) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),*
- 5) future plans (if any) for the total acreage should be considered and*
- 6) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.*

Chairman Leaty asked for public comment. There was none. The public hearing was closed.

Kathleen Kummerow will be coming back to the November meeting for a Preliminary/Final Site Plan.

**SEQRA RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: Kathleen Kummerow
Preliminary/Final Subdivision
279 Whitney Road, Ontario, NY 14519**

Tax Parcel Number: 61116-00-171838

WHEREAS, Kathleen Kummerow submitted an application for Preliminary/Final Subdivision at 279 Whitney Road in the Town of Ontario; and

WHEREAS, this application is an unlisted action and has been subject to a single agency review pursuant to SEQRA; and

WHEREAS, Short EAF was submitted on September 12, 2017 as part of the application materials; and

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following public hearing on this matter, held on October 11, 2017, 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.

The within Resolution was moved by Planning Board Member Gerald Smith, seconded by Planning Board Member Michelle Wright voted upon by members of the Planning Board as follows.

Gerald Smith voted	Aye
Stephen Leaty voted	Aye
Michelle Wright voted	Aye
Jason Coleman voted	Aye
Tab Orbaker voted	Aye

Adopted by the Planning Board on October 11, 2017.

**APPROVAL RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: Kathleen Kummerow
Preliminary/Final Subdivision
279 Whitney Road, Ontario, NY 14519
Tax Parcel Number: 61116-00-171838**

WHEREAS, Kathleen Kummerow submitted an application for Preliminary/Final Subdivision approval at 279 Whitney Road in the Town of Ontario; and

WHEREAS, the Planning Board issued a Negative Declaration, pursuant to SEQRA, on October 11, 2017;

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following public hearing on this matter, held on October 11, 2017, 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. Subject to all PRC comments.
2. This Resolution is based upon the materials submitted by R. Morris Surveying PLS PLLC, bearing drawing number 02840 and dated September 8, 2017.

The within Resolution was moved by Planning Board Member Jason Coleman, seconded by Planning Board Member Michelle Wright and voted upon by members of the Planning Board as follows.

Gerald Smith voted	Aye
Stephen Leaty voted	Aye
Michelle Wright voted	Aye
Jason Coleman voted	Aye
Tab Orbaker voted	Aye

Adopted by the Planning Board on October 11, 2017.

Timothy Lane – Preliminary/Final Subdivision and Preliminary/Final Site Plan

The application of H & N Properties LLC requesting Preliminary/Final Subdivision and Preliminary/Final Site Plan into two lots. The property is owned by Wayne County IDA and zoned I.

Chairman Leaty read the Wayne County comments into the record:

At its regularly scheduled meeting on September 27, 2017, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Site with the following comments:

- 1) *proposed on-site traffic circulation, building area(s) and associated parking areas should be designed/developed in a manner that will proved safe interaction between those items as well as access to Timothy Lane,*
- 2) *proposed development should be done in a manner that helps it remain compatible with surround land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, property maintenance, etc., particularly given that the parcel is located on Timothy Lane and near the highly traveled NYS Rt. 104 corridor,*
- 3) *screening/buffering (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses – if applicable),*
- 4) *“operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses),*
- 5) *outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),*
- 6) *any toxic/hazardous materials should be properly stored, handled and disposed of,*
- 7) *emergency service vehicle access should be provided for,*
- 8) *future plans (if any) for the total acreage should be considered and*
- 9) *all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Environmental Conservation Phase II Stormwater Management and Erosion and Sediment Control regulations, NYS Uniform Fire Prevention and Building Codes, etc.).*

Chairman Leaty asked for public comment. There was none. The public hearing was closed.

**SEQRA RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: H & N Properties LLC
Preliminary/Final Subdivision and Preliminary/Final Site Plan
Timothy Road, Ontario, NY 14519
Tax Parcel Number: 61117-00-341810**

WHEREAS, H&N Properties LLC submitted an application for Preliminary/Final Subdivision and Preliminary/Final Site Plan at Timothy Lane in the Town of Ontario; and

WHEREAS, this application is an unlisted action and has been subject to a single agency review pursuant to SEQRA; and

WHEREAS, Short EAF was submitted on September 12, 2017 as part of the application materials; and

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following public hearing on this matter, held on October 11, 2017, 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.

The within Resolution was moved by Planning Board Member Michelle Wright, seconded by Planning Board Member Gerald Smith voted upon by members of the Planning Board as follows.

Gerald Smith voted	Aye
Stephen Leaty voted	Aye

Michelle Wright voted	Aye
Jason Coleman voted	Aye
Tab Orbaker voted	Aye

Adopted by the Planning Board on October 11, 2017.

**APPROVAL RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: H & N Properties LLC
Preliminary/Final Subdivision and Preliminary/Final Site Plan
Timothy Road, Ontario, NY 14519
Tax Parcel Number: 61117-00-341810**

WHEREAS, H&N Properties LLC submitted an application for Preliminary/Final Subdivision and Preliminary/Final Site Plan approval at Timothy Lane in the Town of Ontario; and

WHEREAS, the Planning Board issued a Negative Declaration, pursuant to SEQRA, on October 11, 2017;

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following public hearing on this matter, held on October 11, 2017, 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. Subject to all PRC comments.
2. This Resolution is based upon the materials submitted by BME Associates, bearing drawing number 2550 dated September 2017.
3. The dumpster screen will be added on the final drawing.

The within Resolution was moved by Planning Board Member Michelle Wright, seconded by Planning Board Member Jason Coleman and voted upon by members of the Planning Board as follows.

Gerald Smith voted	Aye
Stephen Leaty voted	Aye
Michelle Wright voted	Aye
Jason Coleman voted	Aye
Tab Orbaker voted	Aye

Adopted by the Planning Board on October 11, 2017.

6240 Slocum Road – Preliminary/Final Site Plan

The application of Bruce Carey requesting Preliminary/Final Site Plan for Building (7481sf) w/ parking spaces. The property is owned by the applicant and zoned B.

Al Larue, from McMahon Larue Associates, described the location of the proposed building. The parcel is 11.6 acres total and 2.5 acres are proposed for development. The land is 1foot above the Flood Zone and will be enlarging the drainage pond.

Bruce Carey described the construction, security and layout of the building. Including the shooting range is in the back of the building, with 8 shooting lanes (length wise with booths), cleaning out of bullet trap and HEPA air filtration. Landscaping is going to be at a minimum for security purposes. We will be moving our pawn shop to the front of building along with the sales of guns and ammunition. One person would be in charge of the gun range and if you do not have a pistol permit, you will need to pay for a certified instructor. Signage will say Eastside Traders.

Rich Williams, Town Attorney, stated the Gun Range would be considered an Indoor Recreation activity and is allowed in Zone B with a “Special Permit”.

Chairman Leaty read the Wayne County comments into the record:

At its regularly scheduled meeting on September 27, 2017, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Site with the following comments:

- 1) all applicable local, state and federal laws/regulations must be adhered to including, but not limited to, those pertaining to required separation distances (e.g. between firearm carrying/use and a child care center), site layout, building design requirements, operation of the shooting range, etc. that ensure use of the proposed shooting range will not impact any surrounding land uses (e.g. potential noise and projectile impacts),*
- 2) the property owner(s) should be aware that much of the parcel appears to contain FEMA “Zone A2” flood zone area (mapping available online at <http://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations,*
- 3) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located near the highly traveled NYS Rt. 104 and Slocum Road,*
- 4) screening/buffering (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surround land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent commercial/daycare uses located along NYS Rt. 104 and Slocum Road),*
- 5) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses),*
- 6) any toxic/hazardous materials (associated with the proposed business) should be properly stored, handled and disposed of (e.g. lead management),*
- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),*
- 8) proposed on-site traffic circulation, building areas and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to Wooster Way,*
- 9) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and no on-site development/display areas should impede available sight distances,*
- 10) emergency service vehicle access should be provided for,*
- 11) security measures should be intact (e.g. the site should be lighted),*
- 12) future plans (if any) for the total acreage should be considered and all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. Town of Ontario and FEMA Flood Zone regulations, NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control regulations as well as NYS Uniform Fire Prevention and Building Codes).*

Chairman Leaty opened the public hearing asked for public comments.

Patty Woodward, resident, is in favor of the gun range but would like to have 2 people watching the range.

Mark Mendolla, owner of the Tot Spot, is opposed to the gun range and submitted a ‘protest petition’ to the Board from concerned parents and staff. Mark would like the gun range located in another spot in the town.

Elizabeth Heberle, resident, is opposed to the gun range location but would have no problem in another location.

Pam Elsbury, resident, is opposed to the gun range location but would have no problem in another location.

Don Anderson, resident, is opposed to the safety regulations that were discussed earlier and would like to see the guns empty and in a case when walking into the gun range.

Bob Kelsh, resident and reporter –Sun and Record, would like to know the limit the amount of grains with the 45 calibers (limit).

Kevin Black, resident, is opposed to the gun range. As an avid hunter and concealed carry permit holder, feels this disrespects the lethal force of firearms.

Phil Gilson, owner of Gilson & Tobin DDS, is opposed to the gun range location because of the noise and nature of the business being so close to his business.

The Board requested a physical makeup/construction of the building and written statements of safety and noise studies for November 2017 meeting.

The public hearing was left open to continue next month.

6265 Dean Parkway – Preliminary/Final Site Plan

The application of VZO/Scientific Polymer Products requesting Preliminary/Final Site Plan for Industrial Storage. The property is owned by the applicant and zoned I.

Chairman Leaty read the Wayne County comments into the record:

At its regularly scheduled meeting on September 27, 2017, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Site with the following comments:

- 1) *proposed development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, property maintenance, etc., particularly given that the parcel is located on Dean Parkway and near the highly traveled NYS Rt. 104 corridor,*
- 2) *screening (e/g/ fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses – if applicable),*
- 3) *proposed on-site traffic circulation, building areas and associated parking areas should be designed/developed in a manner that will provide safe interaction between those items as well as access to Dean Parkway,*
- 4) *“operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses – if applicable),*
- 5) *outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),*
- 6) *any toxic/hazardous materials should be properly stored, handled and disposed of,*
- 7) *emergency service vehicles access should be provided for,*
- 8) *future plans (if any) for the total acreage should be considered and*
- 9) *all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Environmental Conservation Phase II Stormwater Management and Erosion and Sediment Control regulations, NYS Uniform Fire Prevention and Building Codes, etc.).*

Chairman Leaty asked for public comment. There was none. The public hearing was closed.

**SEQRA RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: VZO/ Scientific Polymer Products
Preliminary/Final Subdivision
6265 Dean Parkway, Ontario, NY 14519
Tax Parcel Number: 61117-00-166638**

WHEREAS, VZO / Scientific Polymer Products submitted an application for Preliminary/Final Subdivision at 6265 Dean Parkway in the Town of Ontario; and

WHEREAS, this application is an unlisted action and has been subject to a single agency review pursuant to SEQRA; and

WHEREAS, Short EAF was submitted on September 13, 2017 as part of the application materials; and

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following public hearing on this matter, held on October 11, 2017, 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.

The within Resolution was moved by Planning Board Member Gerald Smith, seconded by Planning Board Member Michelle Wright voted upon by members of the Planning Board as follows.

Gerald Smith voted	Aye
Stephen Leaty voted	Aye
Michelle Wright voted	Aye
Jason Coleman voted	Aye
Tab Orbaker voted	Aye

Adopted by the Planning Board on October 11, 2017.

**APPROVAL RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: VZO/ Scientific Polymer Products
Preliminary/Final Subdivision
6265 Dean Parkway, Ontario, NY 14519
Tax Parcel Number: 61117-00-166638**

WHEREAS, VZO / Scientific Polymer Products submitted an application for Preliminary/Final Subdivision at 6265 Dean Parkway in the Town of Ontario; and

WHEREAS, the Planning Board issued a Negative Declaration, pursuant to SEQRA, on October 11, 2017;

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following public hearing on this matter, held on October 11, 2017, 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. Subject to all PRC comments.
2. This Resolution is based upon the materials submitted by DSB Engineers & Architects PC, bearing drawing number 17-0719 and dated August 18, 2017.

The within Resolution was moved by Planning Board Member Gerald Smith, seconded by Planning Board Member Tab Orbaker and voted upon by members of the Planning Board as follows.

Gerald Smith voted	Aye
Stephen Leaty voted	Aye
Michelle Wright voted	Aye
Jason Coleman voted	Aye
Tab Orbaker voted	Aye

Adopted by the Planning Board on October 11, 2017.

Community Ridge Phase 1 – Preliminary/Final Subdivision and Preliminary/Final Site Plan

The application of Fedyk Builders LLC /TRIFED Properties LLC, requesting Preliminary/Final Subdivision and Preliminary/Final Site Plan for Community Ridge Planned Unit Development. The property is owned by the applicant and zoned UR.

Chairman Leaty asked for public comment. There was none. The public hearing was closed.

**SEQRA RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: Community Ridge Phase 1
Preliminary/Final Subdivision and Preliminary/Final Site Plan
2112 Community Lane and 2101 Brown Square, Ontario, NY 14519
Tax Parcel Number: 63117-10-459598 and 63117-00-459569**

WHEREAS, Fedyk Builders LLC submitted an application for Preliminary/Final Subdivision and Preliminary/Final Site Plan at 2112 Community Lane and 2101 Brown Square in the Town of Ontario; and

WHEREAS, this application is an unlisted action and has been subject to a single agency review pursuant to SEQRA; and

WHEREAS, Full EAF was submitted on March 30, 2017 as part of the application materials; and

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following public hearing on this matter, held on October 11, 2017, 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.

The within Resolution was moved by Planning Board Member Michelle Wright, seconded by Planning Board Member Gerald Smith voted upon by members of the Planning Board as follows.

Gerald Smith voted	Aye
Stephen Leaty voted	Aye
Michelle Wright voted	Aye
Jason Coleman voted	Aye
Tab Orbaker voted	Aye

Adopted by the Planning Board on October 11, 2017.

**APPROVAL RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: Community Ridge Phase 1
Preliminary/Final Subdivision and Preliminary/Final Site Plan
2112 Community Lane and 2101 Brown Square, Ontario, NY 14519
Tax Parcel Number: 63117-10-459598 and 63117-00-459569**

WHEREAS, Fedyk Builders LLC submitted an application for Preliminary/Final Subdivision and Preliminary/Final Site Plan at 2112 Community Lane and 2101 Brown Square in the Town of Ontario; and

WHEREAS, the Planning Board issued a Negative Declaration, pursuant to SEQRA, on October 11, 2017;

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following public hearing on this matter, held on October 11, 2017, 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. Subject to all remaining PRC comments.
2. This Resolution is based upon the materials submitted by Meagher Engineering, and dated October 6, 2017.
3. Subdivision approval is contingent upon approval by the Town Engineer.
4. Resolution to the Easement issue either in the release of the Easement or allowing ponds within the Easement within 2 years.

The within Resolution was moved by Planning Board Member Michelle Wright, seconded by Planning Board Member Jason Coleman and voted upon by members of the Planning Board as follows.

Gerald Smith voted	Aye
Stephen Leaty voted	Aye

Michelle Wright voted	Aye
Jason Coleman voted	Aye
Tab Orbaker voted	Aye

Adopted by the Planning Board on October 11, 2017.

Informals:

Nancy Anderson – 6803 Lakeside Road

Nancy Anderson expressed her discouragement with the Town Planning Board. Gerber Homes obtained a site plan and approved building lots for constructing single family homes next to her. Since the building of two homes, the Anderson’s have had drainage issues (corner of their lot have been under 1ft of water), concrete pads stained and an established Oak tree has died. She has tried to work with Gerber Homes. How can the Town help her?

Chairman Leaty stated we have engineers to look at the plans before we approve them. The Town’s Planning Board does not enforce their requirements, that is the Code Enforcement Officer’s duty.

Michelle Wright moved to adjourn the meeting, Chairman Leaty seconded. Meeting adjourned at 9:48pm.

Gerald Smith voted	Aye
Stephen Leaty voted	Aye
Michelle Wright voted	Aye
Jason Coleman voted	Aye
Tab Orbaker voted	Aye

Adopted by the Planning Board on October 11, 2017.

Beth Hart
 Planning Board Secretary