

**Town of Ontario  
Planning Board Minutes  
November 21, 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, Kurt Rappazzo and Shaun Logue (MRB), Town Supervisor John Smith, and 36 members of the public.*

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

A motion was made by Jason Coleman to approve the minutes October 11, 2017 and seconded by Tab Orbaker.

Vote:

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

**Public Hearings**

**279 Whitney Road – Preliminary/Final Site Plan**

The application of Kathleen Kummerow is requesting Preliminary/Final Site Plan for a single family house. The property is owned by Kenneth Kummerow and zoned R2.

Don Lewis, AEY Enterprises, commented that the Preliminary/Final Subdivision was approved last month and we are here for the Preliminary/Final Site Plan.

Chairman Leaty agreed that all that remains is approval of the proposed Site Plan for construction of a Single-family residence.

Chairman Leaty read the Wayne County comments into the record:

*At its regularly scheduled meeting on October 25, 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 septic system must meet NYS Department of Health regulations,*
- 2) the proposed driveway should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,*
- 3) development should be done in a manner that keeps its 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.,*
- 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.

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

WHEREAS, Kathleen Kummerow submitted an application for Preliminary/Final Site Plan approval for construction of a Single-family residence at 279 Whitney Road in the Town of Ontario; and

WHEREAS, the within application is a Type II application under SEQRA, requiring no further review;

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 November 21, 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 AEY Engineering, bearing drawing number E-140 and dated October 6, 2017.

The within Resolution was moved by Planning Board Member Michelle Wright, 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
Michelle Wright voted	Aye
Jason Coleman voted	Aye
Tab Orbaker voted	Aye

Adopted by the Planning Board on November 21, 2017.

**6323 Knickerbocker Road - (Informal)**

Bob Keiffer from Tylin Engineering discussed a project he is proposing to the board. The owner is Joe Domicello. Joe Domicello would like to build an 8000sf storage building with each storage unit being approximately 1000sf for large items. There would be no office or bathroom facilities on the property. Emergency vehicles would have access from Fastrak by the way of an easement, which would have a crash gate to stop pedestrian traffic. A side setback variance would be needed on the north side of the property. There is a swale and small pond for stormwater drainage available.

Chairman Leaty suggested this would be possible if they decreased the size of the building to avoid a Waiver for the lot size. He recommended to update their plans and bring back to the Planning Board at a later time.

**6240 Slocum Road – Preliminary/Final Site Plan and Special Use Permit**

The application of Bruce Carey requesting Preliminary/Final Site Plan and Special Use Permit for commercial purposes for an Indoor Gun Range, Gun Shop and Pawn Shop. The property is owned by the applicant and zoned B.

Rich Williams, Town Attorney, stated the legal notice for the public hearing tonight was not sufficient as it did not include that the special use permit was for commercial purposes for an Indoor Gun Range, Gun Shop and Pawn Shop. The Town will be publishing a correct notice for the Public hearing scheduled for December 12, 2017 meeting.

Bruce Carey described the construction, security and layout of the building. The gun range will basically be a vault with a building enclosing it. The Pawn shop will be moved to the new building. There will be an air lock to keep the residue in the gun range area only. The HEPA filters (a series of 5 filters) will clean the air every 6 minutes and will be changed every 3 months. The bullet trap is made of steel and 2-inch thick of ballistic rubber. Both the HVAC and bullet trap will be cleaned out professionally with special procedures. Ballistic rubber will run from floor to ceiling and 20 feet into the range. Baffles surround the 8 rows of fluorescent lights. Ceiling will be constructed out of 8 inch span Crete. The counter in the pawn shop will be for signing into the gun range, renting a gun (with a valid picture ID) and paying to use the gun range. Signage for rules of the range will be posted in two places. Guns need to be carried in a case, according to NYS Laws, when entering and leaving the building. Cameras will be installed in the parking lot and will be monitored and recorded. AVI Designs Inc, provided a noise/site study by taking 8 different reads around the property.

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.

Craig Welch, from Lacy Katzen representing Mark Mendolla, submitted a letter which the Board has already received. Mr. Welch addressed concerns for a long form SEQR because of drainage issues on the property; noise issues according to Town Standards; NY Environment Conservation Law; safety concerns as gun and pawn shops are dangerous and negative economic impacts for our town. Mr. Welch also thanked the Board for their effort at finding the facts.

Chairman Leaty addressed that the long EAF form is a more detailed environmental assessment which would address what we have already discussed tonight. Both Rich Williams, Town Attorney, and Kurt Rappazzo, Town Engineer, agree because this is an unlisted action that no long EAF form is needed.

Mark Mendola, owner of the Tot Spot, has the following concerns/questions. What would the decibels at the road be? Who decides that an indoor gun range needs a Special Use Permit, the Code Enforcement Officer? Are 45 calibers the maximum allowed? What will happen if someone enters with a larger caliber? Who is able to rent a gun/pistol? I have done research and anyone can rent a gun, even the mentally unstable. Are there going to be any ground testing for lead? Who will oversee the building equipment? Is there training for the Range master?

Collin Doan, associate of Lacy Katzen, asked for clarification about what kind of gun you can rent with just a photo ID. Only a long gun, not a pistol.

Kurt Rappazzo, Town Engineer, responded to Mark Mendola that the applicant stated the building is an air tight structure except for the HVAC system which has HEPA filters. There will be no reason for ground testing for lead.

Josh Duncan, resident, supports the gun range. Residents can shoot in their backyard around Ontario. The building sounds safe and secure with the vault inside and controlled rather than an outside range or backyard.

Chris Herbele, resident, is opposed to the gun range location but would have no problem in another location. I am concerned that other residents have not been notified of this application.

Denise Giambrini, resident, this is a beautiful set up but is concerned that the property is too close to the Tot Spot.

Paul Giambrone, resident and parent of child at Tot Spot, is opposed to the gun range location and has an uneasy feeling about the business and applicant.

Wendy Mendola, owner of Tot Spot, stated we have served our families and community for 27 years and we deserve a little credit for this. It will affect our business. I am not opposed to a gun range but where he is proposing to put the gun range it is not respectful to the environment and our business.

Pam Ellsbury, resident, is not opposed to a gun range in the Town of Ontario but not in this location. I am in the health care industry and feel there will be lead contamination in the environment and especially near the kids.

Samantha Shurlock, senior in high school, is opposed to the gun range location near the Tot Spot.

Josh Duncan, resident, if the location of the building is in the north portion of the property, won't the trees be blocking the view of the building from Tot Spot?

Elizabeth Herberle, resident, is opposed to the gun range location. I went to the day care many years ago. We like this day care because they do a lot of activities outside with the children.

Chairman Leaty commented that the location of the building is not directly across the street from the daycare center. The parcel is directly across the street.

Chairman Leaty stated the Public Hearing will be left open and advertised in the newspaper for the December 12<sup>th</sup> meeting.

Chairman Leaty asked the applicant to bring your civil engineer; a noise expert with a signed, stamped report; noise studies; building designs and updated plans.

Chairman Leaty moved to adjourn the meeting, Tab Orbaker seconded. Meeting adjourned at 8:53pm.

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 November 21, 2017.

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Beth Hart  
Planning Board Secretary