

**Town of Ontario
Planning Board Minutes
June 13, 2017**

Present: Planning Board Members – Chairman Stephen Leaty, Tab Orbaker, Gerald Smith, Michelle Wright, Jason Coleman, Planning Board Secretary Nicole Yonker, Town Engineer Kurt Rappazzo (MRB), Town Attorney Rich Williams, Economic Director Bill Riddell and 4 members of the public

Absent: Jason Coleman

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

A motion was made by Michelle Wright to approve the minutes dated May 9, 2017 and seconded by Gerald Smith. The minutes were approved. Vote:

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

Public Hearings

1168 Lake Road – Corner Creek Estates – Preliminary/Final Site Plan & Subdivision

The application of Matt Nowak requesting Preliminary/Final Site Plan & Subdivision approval for a 14 lot subdivision for the construction of single family homes. The property is owned by the applicant and zoned R1.

Don Lewis of AEY was present on behalf of the application.

Chairman Leaty stated that the Town Engineer wants lot lines easily delineated for enforcement purposes and to discourage the construction of structures (i.e. bridges) to be constructed in and around the buffer. He stated he would prefer to see a conservation easement so that the creek is protected.

Town Attorney Rich Williams suggested having a conservation easement and a second easement for drainage, and have it marked, possibly with 4x4 posts to alert the future property owners.

Town Engineer Kurt Rappazzo stated Highway Superintendent Marilee Stollery wants a 20ft easement around the perimeter of the pool to be able to maintain it. Mr. Lewis stated he would work on it.

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

Chairman Leaty read the Wayne County comments into the record:

At its regularly scheduled meeting on March 29, 2017, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Subdivision Plan/Preliminary /Final Site Plan with the following comments:

- 1) Development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through the use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc.*
- 2) the proposed lots/development must meet NYS DOH regulations*
- 3) Driveways should meet AASHTO recommendations for sight distance*
- 4) A driveway permit should be obtained for the WCHD for the proposed Lake Road driveways*
- 5) A driveway maintenance agreement should be in place for any shared driveways*
- 6) Development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access*
- 7) Emergency service vehicle access should be provided for*
- 8) Stormwater management and erosion and sediment control plans must meet Phase II NYS Department of Environmental Conservation regulations*
- 9) Future plans (if any) for the total acreage should be considered and*

10) *The property owner(s) should be also be aware that portions of the “parent parcel” may contain (or be near) FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.*

**SEQRA RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: Corner Creek Estates
Preliminary/Final Site Plan & Preliminary/Final Subdivision
1168 Lake Road, Ontario, NY 14519
Tax Parcel Number: 62119-00-340199**

WHEREAS, AEY Enterprises, as applicant for Nowak Homes, submitted an application for Preliminary/Final Site Plan and Preliminary/Final Subdivision approval for a 14 lot subdivision for the construction of single family homes at 1168 Lake 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, a Full EAF was submitted by the applicant, dated March 15, 2017, and a Short EAF was submitted on June 8, 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 June 13, 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; based upon the following findings of fact:

FINDINGS OF FACT

1. Subject to all PRC comments.
2. This Resolution is based upon the materials submitted by the applicant, bearing project number E-116 and dated March 15, 2017.

The within Resolution was moved by Planning Board Member Tab Orbaker, 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	Absent
Tab Orbaker voted	Aye

Adopted by the Planning Board on June 13, 2017.

**APPROVAL RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: Corner Creek Estates
Preliminary/Final Site Plan & Preliminary/Final Subdivision
1168 Lake Road, Ontario, NY 14519
Tax Parcel Number: 62119-00-340199**

WHEREAS, AEY Enterprises, as applicant for Nowak Homes, submitted an application for Preliminary/Final Site Plan and Preliminary/Final Subdivision approval for a 14 lot subdivision for the construction of single family homes at 1168 Lake Road in the Town of Ontario; and

WHEREAS, the Planning Board issued a negative declaration, pursuant to SEQRA, on June 13, 2017;

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 June 13, 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 dated 6.8.17.
2. This Resolution is based upon the materials submitted by the applicant, bearing project number E-116 and dated March 15, 2017.
3. Conservation easement that protects the creek and a portion of buffer to be created and approved by both Town Attorney Rich Williams and Town Engineer Kurt Rappazzo.

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

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

Adopted by the Planning Board on June 13, 2017.

6441 Fisher Road - Preliminary/Final Site Plan

The application of Johnathan Wilcox requesting Preliminary/Final Site Plan approval for the construction of a commercial warehouse. Property is owned by the applicant and zoned BT.

The applicant was present on behalf of the application. He stated he would like to construct an unconditioned pole barn to be used as warehouse space (no office space at this point). He stated he will condition the floor to be heated.

He further stated that he will be running a gas line from Fisher Road which would be a positive for the neighboring lots that share the driveway.

Gerald Smith asked if there would be outside storage. Mr. Wilcox stated there would not be, everything would be stored inside.

Michelle Wright asked if there would be any paving. Mr. Wilcox stated that there would be stone for about a year and then he would pave after the stone settled.

Chairman Leaty asked for public comment. There were none.

Chairman Leaty read the Wayne County Planning Board comments into the record:

At its regular meeting on May 31, 2017, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Site Plan with the follow comments:

- 1) *The site's access driveway should meet local and/or NYS Uniform Fire Prevention and Building Codes, particularly given that it will be used to service the proposed commercial use as well as existing residential uses,*
- 2) *Driveway sight distances should meet AASHTO recommendations,*
- 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 the driveway,*
- 4) *Emergency service vehicle access should be provided for,*
- 5) *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 near the highly traveled NYS RT 104 and adjacent to residential uses*
- 6) *"operational noises" should be mitigated*

- 7) *Outside storage should be limited*
- 8) *Any/all hazardous/toxic materials must be properly stored, handled and disposed of,*
- 9) *Any/all necessary local, state and federal approvals/permits/recommendations must be followed/obtained*
- 10) *The property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area*

The public hearing was closed.

**SEQRA RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: Wilcox Service Co.
Preliminary/Final Site Plan
6441 Fisher Road, Ontario, NY 14519
Tax Parcel Number: 64117-00-128863**

WHEREAS, Johnathan Wilcox, as applicant, submitted an application for Preliminary/Final Site Plan approval for the construction of commercial storage space (pole barn) at 6441 Fisher 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, a Short EAF was submitted by the applicant, dated May 15, 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 June 13, 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; based upon the following findings of fact:

FINDINGS OF FACT

3. Subject to all PRC comments.
4. This Resolution is based upon the materials submitted by the applicant, bearing project number 17161 and dated May 15, 2017.

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

Adopted by the Planning Board on June 13, 2017.

**APPROVAL RESOLUTION
TOWN OF ONTARIO
PLANNING BOARD
RE: Wilcox Service Co.
Preliminary/Final Site Plan
6441 Fisher Road, Ontario, NY 14519
Tax Parcel Number: 64117-00-128863**

WHEREAS, Johnathan Wilcox, as applicant, submitted an application for Preliminary/Final Site Plan approval for the construction of commercial storage space (pole barn) at 6441 Fisher Road in the Town of Ontario; and

WHEREAS, the Planning Board issued a negative declaration, pursuant to SEQRA, on June 13, 2017;

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 June 13, 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

4. Subject to all PRC comments dated 6.8.17.
5. This Resolution is based upon the materials submitted by the applicant, bearing project number 17161 and dated May 15, 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	Aye
Stephen Leaty	Aye
Michelle Wright	Aye
Jason Coleman	Absent
Tab Orbaker	Aye

Adopted by the Planning Board on June 13, 2017.

Intergrow Greenhouses, Inc. – Preliminary/Final Site Plan & Special Permit

The application of Intergrow Greenhouses, Inc. requesting Preliminary/Final Site Plan & Special Permit approval for the construction of approximately +/-57.7 acres of greenhouses and +/-112,80SF of support space. The facility is to be located at the end of Timothy Lane. The property is owned by Dierks Biemans and zoned I.

Fred Shelley of BME and Dierks Biemans of Intergrow Greenhouses, Inc. were present on behalf of the application.

Chairman Leaty thanked Mr. Beimans for allowing members of the Planning Board and Town Board to tour the facility the week prior.

Mr. Shelley stated the project does not require SEQRA. The Town attorney agreed that SEQRA is not required and read some previous correspondence into the record to support that. Mr. Shelley also stated that the gas line will be extended from Salt Road in Webster, NY and that water and sewer lines will be extended from Timothy Lane.

Mr. Shelley further stated that the phase I greenhouse will be constructed first which will included 52 parking spaces. They plan to seed and grade phase II (includes 26 parking spaces) during phase I so land isn't disturbed twice. He stated each phase will add about 50 parking spaces. The current plan proposes 134 spaces and 56 spaces land banked.

The applicant is in the process of working with DEC and Army Corps to mitigate wetlands.

Mr. Beimans stated he would like to break ground in August 2017, with posts in the ground by September to October and planting by September 2018. He stated phase II and phase III would be in two year increments.

After discussion of the access of adjoining property owns was discussed, Chairman Leaty stated an access easement to the landlocked neighbor would need to be a condition of approval.

Mr. Riddell stated that there is a 60' strip that is approximate 4.995 acres, owned by the Town that is being negotiated to be given to the applicant. The Town Board is working on that process. He further stated that the land was never purchased.

Mr. Shelley stated that greenhouse lighting will be taken into consideration and blackout curtains and side wall curtains will be used to minimize light noise whenever it is dark out.

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

Chairman Leaty read the Wayne County Planning Board comments into the record:

At its regular meeting on May 31, 2017, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Special Permit, Preliminary/Final Subdivision Plan, and Preliminary/Final Site Plan with the following conditions:

- 1) The tax parcels appear to contain (or be near) both National wetland area and NYS DEC wetland area and any planning/development should be done in accordance with applicable regulations,
- 2) 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 Timothy Lane,
- 3) Driveway sight distances should meet AASHTO recommendations and on-site development should not impede available sight distance,
- 4) Any toxic/hazardous materials should be properly stored, handled and disposed of,
- 5) Future plans (if any) for total acreage should be considered and
- 6) All necessary local, federal and state recommendations and approvals/permits must be followed/obtained

APPROVAL RESOLUTION

**TOWN OF ONTARIO
PLANNING BOARD**

RE: Intergrow Greenhouses, Inc.

Preliminary/Final Subdivision and Site Plan

Special Permit

Timothy Lane, Ontario, NY 14519

Tax Parcel Numbers: 61117-00-433805; 524965; 577783; 657785 & 656761

WHEREAS, BME Associates on behalf of Dierks Biemans, submitted an application for Preliminary/Final Subdivision and Site Plan & Special Permit approval for the construction of approximately +/-57.7 acres of greenhouses and +/-112,80SF of support space located at the East end of Timothy Lane, North of Route 104 in the Town of Ontario; and

WHEREAS, the within action is a Type 2 action under SEQRA, requiring no further review under SEQRA;

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 June 13, 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 the applicant, bearing drawing number 2533-02 and dated May 2017.
3. The applicant is to provide an access Easement for ingress and egress to the adjoining parcel n/f Nazerno & Pietro Petrucci and provide a copy of such Easement to the Town Attorney.
4. At all times that the greenhouse "grow lights" are in operation, the shades for such lights shall be in place to avoid light spillage outside the greenhouse.

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

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

Adopted by the Planning Board on June 13, 2017.

Tab Orbaker moved to adjourn the meeting, Michelle Wright seconded. Meeting adjourned at 8:10pm.

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

Nicole Yonker
Planning Board Secretary