

**Town of Ontario  
Planning Board Minutes**

**May 8, 2018**

*Present: Planning Board Members – Chairman Stephen Leaty, Jason Coleman, Gerald Smith, Planning Board Secretary Beth Hart, Town Attorney Richard Williams, Town Engineer Shaun Logue, Supervisor Frank Robusto, Town Board Joe Catalano, and 39 members of the public.*

Chairman Leaty called the meeting to order at 7:05pm, led the Pledge of Allegiance.

A motion was made by Jason Coleman to approve the minutes April 10, 2018 and seconded by Gerald Smith.

Gerald Smith voted - Aye  
Stephen Leaty voted - Aye  
Jason Coleman voted - Aye  
Michelle Wright voted - Absent  
Vacant seat -  
Vote 3 Ayes, 0 Nays. MOTION CARRIED

**Public Hearings**

**1640 Route 104 – Preliminary/Final Site Plan**

The application of Aaron Preston requesting Preliminary/Final Site Plan for commercial purposes for a nursery and landscape business. The property is owned by the applicant and zoned BT.

Chairman Leaty explained the Town Engineer is still working with the applicant on this application and is being postponed by mutual consent of the applicant and Town staff.

**6775 Furnace Road – Preliminary/Final Site Plan**

The application of Mary D’Angelo requesting Preliminary/Final Site Plan for construction of a single family home. The property is owned by the applicant and zoned SR.

Nick D’Angelo would like approval to build a single family home on this property and is good with all the PRC and WCPB comments.

*At its regularly scheduled meeting on April 26, 2018, 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) the onsite septic system must meet NYS Department of Health regulations,*
- 2) the driveway should meet 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.,*
- 4) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable) and*
- 5) future plans (if any) for the total acreage should be considered.*

Chairman Leaty opened the public hearing. No one wished to speak.

Chairman Leaty closed the public hearing.

A motion was made by Mr. Smith and seconded by Mr. Coleman to approve the Preliminary/Final Site Plan for 6775 Furnace Rd.

Gerald Smith voted - Aye  
Stephen Leaty voted - Aye  
Jason Coleman voted - Aye  
Michelle Wright voted - Absent  
Vacant seat -

Vote 3 Ayes, 0 Nays. MOTION CARRIED

**202 Boston Road – Preliminary/Final Site Plan & Preliminary/Final Subdivision**

The application of Kimberly Schwenzer requesting Preliminary/Final Site Plan & Preliminary/Final Subdivision for a two lot subdivision with one lot for the construction of a single family home. The property is owned by Kim Jacobs and zoned R1.

Don Lewis, AEY Engineering, would like approval to build a single family home on this property. The applicant is good with all the PRC and WCPB comments. A perk test was completed on the property.

*At its regularly scheduled meeting on April 26, 2018, 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) *the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new septic system (or connection to municipal sewer) that will meet local and/or NYS Department of Health regulations,*
- 2) *the proposed lots should be configured with enough area for each lot to have a driveway that meets ASSHTO (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.,*
- 4) *development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable) and*
- 5) *future plans (if any) for the total acreage should be considered.*

Chairman Leaty opened the public hearing. No one wished to speak.

Chairman Leaty closed the public hearing.

A motion was made by Mr. Coleman and seconded by Mr. Smith to approve the Preliminary/Final Site Plan and Preliminary/Final Subdivision for 202 Boston Rd.

Gerald Smith voted - Aye  
 Stephen Leaty voted - Aye  
 Jason Coleman voted - Aye  
 Michelle Wright voted - Absent  
 Vacant seat -

Vote 3 Ayes, 0 Nays. MOTION CARRIED

**Amend Resolution - 6775 Furnace Road – Preliminary/Final Site Plan**

A motion was made to Amend the Resolution of 6775 Furnace Rd, to include “A waiver including a 3:1 depth ratio”, under Conditions of Approval, by Mr. Smith and seconded by Mr. Coleman.

Gerald Smith voted - Aye  
 Stephen Leaty voted - Aye  
 Jason Coleman voted - Aye  
 Michelle Wright voted - Absent  
 Vacant seat -

Vote 3 Ayes, 0 Nays. MOTION CARRIED

**249 David Parkway – Preliminary/Final Site Plan**

The application of Michael Specht requesting Preliminary/Final Site Plan for construction of 10,000sf building. The property is owned by the Photon Gear and zoned I.

Al Larue, McMahon Larue Associates, stated there are three drainage easements have already been filed on this 3.7acre parcel. There is an existing pond, which has already been approved, on the property that they will use drainage. They don't want to pave the driveway and parking lot because of the large trucks coming in and out of the property. The building will be 9728sf warehouse with metal siding. Mr. Larue was asked for clarification of #14 on the PRC comments, dated April 30, 2018.

Chairman Leaty stated because there were no plans submitted for the warehouse and building elevations, we are tabling the application to next month.

Application was tabled to the next meeting.

**6367 Dean Parkway – Preliminary/Final Site Plan and Preliminary/Final Subdivision**

The application of Optimax Systems Inc requesting Preliminary/Final Site Plan and Preliminary/Final Subdivision for construction of +46,000 building addition. The property is owned by the applicant and zoned I.

Ryan Destro, BME Associates, explained about the expansion project at Optimax with the addition of 46,350sf at the rear of the existing building. Optimax is purchasing 6359 Dean Parkway and moving non-essential offices to this address. The storm drainage pond is already located on the west portion of the property. The Bio-retention area has not been constructed yet but will be constructed. SWPPP will be updated and has permit covered from DEC. A delineation report has been submitted to DEC because of the wetlands discovered on the property. We have applied with DEC and Army Corps of Engineers and waiting for the permit to allow for the expansion project and fill. They understand and are good with all the PRC and WCPB comments. A Letter of Credit will be needed and all easements are already on file. The temporary driveway off of David Parkway will be removed upon completion of the construction.

*At its regularly scheduled meeting on April 26, 2018, 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) as noted on the February 2018 Site Plan, the proposed development is within a Federal (United States Army Corps of Engineers – USACE) designated wetland area. Therefore, it is recommended that all necessary USACE/NYSDEC recommendations and approvals/permits are followed/obtained and any planning/development should be done in accordance with applicable regulations,*
- 2) 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,*
- 3) 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),*
- 4) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway locations(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportations Officials – AASHTO recommendations) and on-site traffic circulation. 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 Dean Parkway and David Parkway,*
- 5) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses – if applicable),*
- 6) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),*
- 7) any toxic/hazardous materials should be properly stored, handled and disposed of,*
- 8) emergency service vehicle access should be provided for,*
- 9) future plans (if any) for the total acreage should be considered and*
- 10) 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 regulation, NYS Uniform Fire Prevention and Building Codes, etc.).*

Chairman Leaty opened the public hearing. No one wished to speak.

Chairman Leaty closed the public hearing.

A motion was made by Mr. Coleman and seconded by Mr. Smith to approve the Preliminary/Final Site Plan and Preliminary/Final Subdivision for 6367 Dean Parkway.

Gerald Smith voted	- Aye
Stephen Leaty voted	- Aye
Jason Coleman voted	- Aye
Michelle Wright voted	- Absent
Vacant seat	-

Vote 3 Ayes, 0 Nays. MOTION CARRIED

**5925 Ontario Center Road – Special Use Permit and Preliminary/Final Site Plan**

The application of LaMora Farms requesting Special Use Permit and Preliminary/Final Site Plan for construction an 8 occupant migrant farmworker housing to service the farm. The property is owned by the applicant and zoned SR.

Lindsay LaMora, resident, explained that the housing would be H2A workers and will be working with the NYS Department of Health and Labor. They employ local residents but also need the H2A workers for harvesting. H2A workers go through background checks and their documents are thoroughly checked out by DeMay Labor (labor recruiting force). The workers will be living in the house for the months of September and October. The building will be set back and follow the building codes of the Town.

Rich Williams, Town Attorney, explained the Town Code allows labor camps in the R1 and R2 district. The Town Board recently passed a Local Law to allow labor camps in the SR district subject to a Special Permit.

Chairman Leaty opened the public hearing.

Alice Embry, resident, asked if they can keep adding buildings under this special permit without coming back to the Planning Board. Also concerned about the owners not living on the property and what happens to the building when the building is not in use.

Bill Thompson, resident, will the H2A workers be able to communicate with the owners and call for emergency help.

Chairman Leaty closed the public hearing.

*At its regularly scheduled meeting on April 26, 2018, 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) *all necessary local and NYS permits/regulations must be obtained/followed (e.g. NYS Department of Health and NYS Uniform Fire Prevention and Building Code(s),*
- 2) *property use/development should proceed in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as fencing, berms, landscaping, property maintenance etc., particularly given that the parcel is located on/near the highly traveled NYS Rt. 350,*
- 3) *on-site traffic circulation and how it relates to items such as proposed parking area(s), building location(s), on-site farm operations, driveway location, future plans, etc. should be determined/delineated,*
- 4) *driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Official(s) recommendations,*
- 5) *emergency service vehicle access should be provided for,*
- 6) *future plans (if any) for the total acreage and farm operation should be considered and*
- 7) *the property owner(s) should be aware that portions of the parcel may contain (or be near) FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.*

A motion was made by Mr. Smith and seconded by Mr. Coleman to approve the Preliminary/Final Site Plan for 6775 Furnace Rd.

Gerald Smith voted - Aye  
 Stephen Leaty voted - Aye  
 Jason Coleman voted - Aye  
 Michelle Wright voted - Absent  
 Vacant seat -

Vote 3 Ayes, 0 Nays. MOTION CARRIED

**513 Whitney Road – Special Permit**

The application of Ryan Kirnan requesting Special Permit for Ontario Barn Vineyards to host weddings. The property is owned by the applicant and zoned R2.

Donald Young, Boylan Code Attorneys at Law, submitted a letter to the planning board. The special permit issued for this property, was issued in April 2010 for winery and wine tastings. Mr. Young feels that wineries and weddings go hand in hand. The prior owner had wine tastings, weddings and barn festivals since 2010. Mr. Kirnan is not going to be hosing wine tastings and barn festivals, just weddings. Mr. Kirnan is applying for a wine permit. Weddings will be done from 11am to 11pm, on the weekends from June through

October. The size of the property and vegetation blocks/buffers the neighboring property. We are proposing a new parking lot to keep the vehicles off of Whitney Road. There have been no violations from previous events being held at this property.

Rich Williams, Town Attorney, explained the Special Permit for this property does not allow weddings. The Planning Board can amend the Special Permit and therefore add weddings to the Special Permit.

Ryan Kirnan, applicant explained that the parking will be in the existing parking lot, the new gravel parking lot and on the lawn. We will not allow parking on Whitney Road. Mark D'Angelo, Fire Inspector, came out and explained what was needed for a Fire Inspection and occupancy for the barn. The barn doors will be open at all times. Ceremonies can be done at the pond, gazebo or barn with receptions taking place either in a tent or barn. All music will be in the barn except for the actual wedding ceremony.

Chairman Leaty opened the public hearing.

Martha Ebert, mother of the groom, is scheduled to have a wedding on June 16<sup>th</sup> and would like to know if the parking lots will be completed before the wedding and if the property will comply with the Town Codes including Fire Inspection.

Kelly Fitzgerald, sister of a groom, if the Special permit is passed tonight, would the wedding be able to take place.

Liz Lutz, resident, moved into their home 3 years ago. The weddings and parties have increase over the years. There have been many cars parking in the road along with intoxicated people walking the dark roads at night. Parties are getting louder and more frequently. Alcohol is being carried in. We filed a complaint with the town in October 2017.

William Lutz, resident, submitted a petition for the file. The petition was signed by the 95% of the residents from Whitney Rd, stating they are not in favor of approving Tarry Grove/Ontario Wine Vineyards. The noise and parking are out of control.

Patricia Affronti, resident, stated that in 2010 they started with wine tasting but the parties and weddings have escalated in the past couple of years. There are Federal Wetlands along my driveway that runs into this property. Submitted a calendar from Tarry Grove's website that shows they are booked from June through October. She is also concerned about the bathroom facility and how it is cleaned.

Frank Affronti, resident, mentioned it is hard to drive down Whitney Road with cars parked on both sides of the road, especially at night in the dark when you have to look for intoxicated people looking for their vehicles.

Susan Hickman, resident, said no buffering exists. She lives ¼ acre from this property and the noise needs to be addressed. At times the noise is so loud that we can't hear ourselves talk. This harms our quality of life and property values.

Bill Kurrasch, resident, mentioned there is a lot of parking on both sides of the road with children and adults walking to their cars. Signs are posted on Route 104 in the town of Webster and Ontario. Bon fires can go to 11-12 midnight. This used to be a nice quiet neighborhood.

Don Young, applicant's attorney, mentioned that they are not aware of any reports or complaints against the property.

Ryan Kirnan, applicant, explained that the schedule on the website looks like it is booked solid, but they are not booked for every weekend. We have 14 weddings booked for the year and have no plans to add anymore. We do not need a liquor license because we are not serving the alcohol. Anyone serving liquor provides their own permit. There will be no live music at any events.

Sandy Allen, resident, commented that the original special permit was only for 15-20 people. Concerned about the amount noise and parties happening at this property.

Ryan Kirnan, applicant, would like to apologize for upsetting the neighbors but would like to come to an agreement for this year so that he doesn't have to cancel the weddings that have already been scheduled and then go back to the quiet peaceful neighborhood. There are no parties scheduled for this year only weddings. Weddings are scheduled for June 2, June 9, June 16, June 23, June 30, July 21, August 4, August 11, August 18, September 8, September 29, October 6, October 20 and October 27.

William Fitzgerald, groom, we signed a contract and it mentions no live music.

**Recess: 9:50pm**

**Reconvened: 10:00pm**

Chairman Leaty commented this is not compatible with the residential area and not a good use of the property. I was on the Planning Board in 2010 when this property came up for review and we were concerned at the number of people and restricted the hours of operation. I have no idea how this morphed. I know of only 1 official complaint on the property.

Chairman Leaty closed the public hearing.

*At its regularly scheduled meeting on April 26, 2018, 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) *all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Health, etc.). The board felt that following NYS Department of Health regulations regarding items such as wastewater treatment, potable water supply and possible food preparation could be particularly important, given the overall scope of the proposed business,*
- 2) *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.,*
- 3) *screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surround land uses (e.g. mitigate visual and noise impacts, particularly as they relate to adjacent residential uses),*
- 4) *traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials – AASHTO recommendations) and on-site traffic circulation,*
- 5) *there should be an adequate number of dedicated parking spaces available for the intended use and all parking should be on-site (i.e. there should be no “on-road” parking and lawn area should not be used for parking),*
- 6) *emergency service vehicle access should be provided and local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire). The Board felt that it would be important for a “fire lane” to always be kept clear/open,*
- 7) *future plans (if any) for the total acreage should be considered and*
- 8) *the property owner(s) should be aware that portions of the parcel may 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.*

A motion was made by Chairman Leaty and seconded by Mr. Coleman to amend the Special Use Permit and Preliminary/Final Site Plan to host weddings at Ontario Barn Vineyards located at 513 Whitney Rd in the Town of Ontario; and 513 Whitney Rd.

Gerald Smith voted - Aye  
 Stephen Leaty voted - Aye  
 Jason Coleman voted - Aye  
 Michelle Wright voted - Absent  
 Vacant seat -  
 Vote 3 Ayes, 0 Nays. MOTION CARRIED

Gerald Smith moved to adjourn the meeting, Jason Coleman seconded. Meeting adjourned at 10:20pm.

Gerald Smith voted - Aye  
 Stephen Leaty voted - Aye  
 Jason Coleman voted - Aye  
 Michelle Wright voted - Absent  
 Vacant seat -  
 Vote 3 Ayes, 0 Nays. MOTION CARRIED

Adopted by the Planning Board on May 8, 2018.

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Beth Hart - Planning Board Secretary