

**Town of Ontario
Planning Board Minutes**

November 14, 2018

Present: Planning Board Members – Chairman Stephen Leaty, Gerald Smith, Jason Coleman, Michelle Wright, Dorothy Constable, Planning Board Secretary Beth Hart, Town Attorney Richard Williams, Town Engineer Shaun Logue, Town Board Joe Catalano, and 12 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 9, 2018 and seconded by Gerald Smith.

Gerald Smith voted - Aye
 Stephen Leaty voted - Aye
 Jason Coleman voted - Aye
 Michelle Wright voted - Aye
 Dorothy Constable voted - Aye
 Vote 5 Ayes, 0 Nays. MOTION CARRIED

Public Hearings

1640 Route 104 (also 1611 Ridge Rd) – 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.

David Hou, attorney for Aaron Preston, reviewed the resolution and asked for clarification of the words debris and landscape equipment as they are too general. Aaron Preston has no problem parking his landscape trucks in the equipment area but the smaller bobcat's and trailers should not have to be parked in a certain area. Also the debris from his landscape business needs to be kept, but understands the pallets need to be removed.

At its regularly scheduled meeting on September 26, 2018, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Site Plan with the following comments:

- 1) all applicable NYS Department of Transportation permits/recommendations must be obtained/followed (e.g. a driveway permit should be obtained, no development should take place in the NYS Department of Transportation right-of-way, there should be no parking on the shoulder of NYS Rt. 104, etc.),*
- 2) a driveway permit should be obtained from the Wayne County Highway Department (if applicable for a new driveway accessing Ridge Rd.) and there should be no development in the Ridge Road right-of-way or parking on the shoulder of Ridge Road,*
- 3) both driveways should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and no on-site development should impede available sight distance,*
- 4) development, potentially including the proposed Ridge Road driveway, should be done in a manner, that helps it remain compatible with surrounding land uses ("protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas"),*
- 5) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate aesthetic, noise and dust impacts – use berms to help reduce noise impacts from use of equipment, pave driveway to reduce dust impacts, etc.),*
- 6) commercial truck traffic should be limited to use of the NYS Rt. 104 driveway only,*
- 7) proposed on-site traffic circulation, display areas, storage areas, building areas, stormwater management areas and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items, NYS Rt. 104/Ridge Rd and potential future development (if applicable),*
- 8) the sire should be developed/maintained in an aesthetically pleasing manner (i.e. through use of items such as landscaping, screening, etc.) as the parcel is located on the highly traveled NYS Rt. 104 and Ridge Road,*
- 9) outside storage should be limited (e.g. equipment in disrepair should not be permitted to accumulate),*
- 10) any toxic/hazardous materials (associated with any on-site activity) should be properly stored, handled and disposed of,*
- 11) future plans (if any) for the total acreage should be considered and*

12) *all necessary local, federal and state recommendations/regulations and approvals/permits must be obtained/complied with (e.g. NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control Regulations).*

A motion was made by Mr. Smith and seconded by Mr. Coleman to approve SEQRA for 1640 Route 104.

Gerald Smith voted - Aye
 Stephen Leaty voted - Aye
 Jason Coleman voted - Aye
 Michelle Wright voted - Aye
 Dorothy Constable voted - Aye
 Vote 5 Ayes, 0 Nays. MOTION CARRIED

A motion was made by Mr. Smith and seconded by Ms. Wright to approve Preliminary/Final Site Plan for 1640 Route 104.

Gerald Smith voted - Aye
 Stephen Leaty voted - Aye
 Jason Coleman voted - Aye
 Michelle Wright voted - Aye
 Dorothy Constable voted - Aye
 Vote 5 Ayes, 0 Nays. MOTION CARRIED

6513 Fisher Rd – Special Permit

The application of MB Innovation Corp requesting Special Permit to construct a single family home and to conduct a seasonal mulch and landscape supply operation. The property is owned by the applicant and zoned BT.

Tom Wolanski, Greenman – Pedersen Inc., stated the applicant has changed his mind about building structures on the property and will be going before the Board for a Special Permit to operate his business off of the property.

Chad Ortega explained he stockpiles “green waste” (mix of hardwood, softwood and brush) and then will grind and leave to age. Grinding takes place in the spring and fall. Chad will dye some of the grinding between March and April. April thru August is when he will truck out the mulch and spread it in both residential and commercial areas. He uses 4 inch hoses and blows the mulch from the trucks to mulch beds. Chad also commented on the noise level, during grinding, is minimal and there is no odor detect 20’ from the mulch piles.

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

Chairman Leaty closed the public hearing.

At its regularly scheduled meeting on September 26, 2018, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Special Permit/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 (“protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas”) and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc.,*
- 2) screening (e.g. fence, berm, landscaping, etc.), should be used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual, noise and dust impacts – help reduce noise impacts from processor, pave driveway, etc.),*
- 3) proposed hours of operation should be understood,*
- 4) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building areas, storage areas, parking areas, driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials – AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, building areas, display/storage 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 Fisher Road,*

- 5) *all necessary local, federal and state recommendations/regulations and approvals/permits must be obtained/complied with (e.g. NYS Department of Health, NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation – Phase II stormwater management and erosion and sediment control regulations, FEMA flood zone, etc.),*
- 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),*
- 7) *outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),*
- 8) *all toxic/hazardous materials that may be associated with any on-site activity should be properly stored, handled and disposed of,*
- 9) *future plans (if any) for the total acreage should be considered (i.e. verify the ultimate scope of activity on this parcel) and*
- 10) *the applicant(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/>) as well as 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 Ms. Wright and seconded by Mr. Smith to approve SEQRA for 6513 Fisher Road.

Gerald Smith voted - Aye
 Stephen Leaty voted - Aye
 Jason Coleman voted - Aye
 Michelle Wright voted - Aye
 Dorothy Constable voted - Aye
 Vote 5 Ayes, 0 Nays. MOTION CARRIED

A motion was made by Ms. Wright and seconded by Ms. Constable to approve the Special Permit for 6513 Fisher Road.

Gerald Smith voted - Aye
 Stephen Leaty voted - Aye
 Jason Coleman voted - Aye
 Michelle Wright voted - Aye
 Dorothy Constable voted - Aye
 Vote 5 Ayes, 0 Nays. MOTION CARRIED

6853 Lakeside Rd (Lakeside Estates) – Revised/Final Site Plan

The application of Gerber Homes requesting Revised/Final Site Plan for lot 3. The property is owned by Frank Muratore and zoned R2.

Mike Sponable, Greene Land Surveying PLLC, explained that the person purchasing this house would like the house closer to the road. When the Code Enforcement Officer came out for a footer inspection, he realized the house was not in the approved location on the site plan. The house is being located approximately 360' away from the approved site plan. This application is to approve the revised site plan, just changing the location of the house.

Chairman Leaty opened the public hearing.

Nancy Anderson, resident, talked about the drainage issues off of Lakeside Estates and how it has affected their property. The drainage issues were for Lot 1 and 2. Nancy explained that Bruce Gerber, John Smith (supervisor), Brian Smith (code enforcement officer and Kurt Rappazzo (MRB engineer) walked the property and felt that there were drainage issues. Bruce Gerber offered to move the gravity feed drain from Lot 2 to drain to the north instead of east to their property. They have had no reports if this has been completed. Nancy feels this application needs to be postponed until the drainage issues from Lot 1 and 2 are addressed and recorded on a map for reference.

Don Anderson, resident, would like to know how Gerber Homes can continue to build a house without approval.

Chairman Leaty closed the public hearing.

John Graziouse, Gerber Homes, informed the board the site has been walked numerous times and the drainage is moving to the north away from the Anderson's property. The gravity drain from lot 2 has been fixed and is no longer heading west but north. Drainage from lot 1 is being diverted under the Anderson's drive and heading south. There is a swale next to the driveway of lots 1 and 2 and directing the drainage west along lot 3R and then north.

Shaun Logue, Town Engineer, stated that the drainage on the revised site plan will follow the swale, away from Anderson's property.

At its regularly scheduled meeting on October 31, 2018, the Wayne County Planning Board reviewed the above referenced referral and determined it to have no intermunicipal or countywide impact with the following comments:

- 1) *the proposed sanitary sewer system must meet applicable local and /or New York State regulations (e.g. Department of Health, Uniform Fire Prevention and Building Code),*
- 2) *the driveway should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,*
- 3) *a driveway permit should be obtained from the Wayne County Highway Department (Wayne County Department of Public Works)*
- 4) *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.,*
- 5) *development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable) and*
- 6) *future plans (if any) for the total acreage should be considered.*

A motion was made by Mr. Coleman and seconded by Mr. Smith to approve the Revised/Final Site Plan for 6853 Lakeside Rd.

Gerald Smith voted - Aye
 Stephen Leaty voted - Aye
 Jason Coleman voted - Aye
 Michelle Wright voted - Aye
 Dorothy Constable voted - Aye
 Vote 5 Ayes, 0 Nays. MOTION CARRIED

Ontario View Industrial Park– Preliminary Site Plan and Preliminary Subdivision

The application of Michael Nasello requesting Preliminary Site Plan and Preliminary Subdivision to construct a 20,000+/- sf industrial flex building. The property is owned by Timothy Properties LLC and zoned I.

Mike Richie, Costich Engineering, explained the applicant is looking building 4 separate buildings on 4 individual lots. They are thinking of office space in front and storage space in the back. Wetlands on the north side of the property would not be disturbed. This is a preliminary plan and will now come up with a Comprehensive Plan.

Ms. Constable moved to adjourn the meeting, Mr. Coleman seconded. Meeting adjourned at 9:20pm.

Gerald Smith voted - Aye
 Stephen Leaty voted - Aye
 Jason Coleman voted - Aye
 Michelle Wright voted - Aye
 Dorothy Constable voted - Aye
 Vote 5 Ayes, 0 Nays. MOTION CARRIED

Adopted by the Planning Board on November 14, 2018.

Beth Hart
 Planning Board Secretary