A regular meeting of the Ontario Town Board was called to order by Supervisor John Smith at 7:00 p.m. in the Ontario Town Hall. Present were Supervisor Smith, Council members: Frank Robusto, Joseph Catalano, Richard Leszyk, Attorney Richard Williams, Judge Paul Sucher, Business Manager Paul Liess (entered at 7:12 p.m.) and Town Clerk Debra DeMinck.

Absent: Jason Ruffell – Councilman

9 residents and visitors were present at portions of the meeting

Mr. TeWinkle led the Pledge of Allegiance.

A legal notice of Public Hearing for a Modification to the Incentive Zoning for Lakefront Estates Phases 5 & 6 was posted on the Town Clerk’s sign board and in the Times of Wayne County on December 3, 2017 and in the Sun & Record/Wayne County Mail on December 7, 2017.

This modification is to the side setbacks which would reduce the side setback distance from 20 feet to 15 feet for 12 of the 18 lots within Phases 5 & 6.

Attorney for the Town Richard Williams and Robert Keiffer, Project Manager for Nicholas D’Angelo, gave a brief summary of the incentive zoning modification request.

Supervisor Smith opened the Public Hearing at 7:01 and asked for any questions or comments.

Mr. Switzer asked what a paper street was and how it differed from a right of way?

Attorney Williams said a paper street is something a developer signs as a continuing offer of dedication. This bind the future owners and the lot owners own the land.

A motion was made by Mr. Catalano, seconded by Mr. Robusto, to close the Public Hearing at 7:06 p.m.

4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

A motion was made by Mr. Smith, seconded by Mr. Catalano, to adopt the following as written:

**Incentive Zoning Modification Approval Resolution**

WHEREAS, in an application dated November 20, 2017, TYLin International, as agent for D’Angelo Builders and Developers, requested that the Town Board consider a request to modify the Incentive Zoning Approval, granted by the Ontario Town Board on March 10, 2014, relating to property known as “The Lakefront Estates Subdivision Extension”, consisting of approximately 21.26 acres located off Lake Road, Ontario, New York, Tax Parcel Number 62119-13-142428, to allow for a reduction in the side setback requirements for 11 of the lots in the within Subdivision from 20’ to 15’ and a reduction of the side setback for 1 lot from 70’ to 60’; and

WHEREAS, the above application was reviewed by this Board and on December 18, 2017, a public hearing was held and all those wishing to comment on the proposed Modification to the Incentive Zoning were heard; and

WHEREAS, the within application is for modification of side setback requirements, only and, as such, is a Type II Action pursuant to §617.5(b)(12), not subject to review under SEQRA;

NOW, on motion duly made and seconded, it was

RESOLVED, that the Town Board of the Town of Ontario makes specific Findings in this matter, as follows:

1. This application requests a 5’ reduction in the side setbacks for 11 lots within the subdivision and a reduction in the side setback on 1 lot from 70’ to 60’. All other requirements regarding the subdivision would remain the same as previously granted and approved.

2. The within subdivision adjoins 4 previously developed phases of the Lakefront Estates Subdivision, which were developed as a ‘Cluster Development’ with typical side setbacks of 15’, as requested by this application.

3. As a result, the proposed reduction in side setbacks will result in side setbacks consistent with and not out of
character with the remaining phases of the Lakefront Estates development.

4. Further, the requested reductions in side setback requirements, which the Board finds to be minimal and not significant, will allow the developer to accommodate a 70’ wide building envelope for the homes, again consistent with the existing phases of Lakefront Estates and sufficient to allow for the size and style of homes requested by the market and similar to the surrounding homes in the subdivision.

5. Based on the above, this Board finds that the proposed amendment to the Incentive Zoning is appropriate and within the intent of the original approval; and be it further

RESOLVED, that the application is hereby approved and the required side setbacks are hereby reduced from 20’ to 15’ for Lots 52, 53, 54, 55, 58, 61, 62, 63, 64 and 65; the side setbacks for Lot 59 are reduced from 20’ to 15’ for the north side setback and from 70’ to 60’ for the south side setback; and side setbacks for Lot 56 are reduced from 20’ to 15’ for the south side setback and from 70’ to 60’ for the north side setback; and be it further

RESOLVED, that all remaining provisions and requirements of the Incentive Zoning Approval resolution granted by the Town Board on March 10, 2014 shall remain in full force and effect. 4 Ayes 0 Nays 1 Absent (Ruffell)

RESOLUTION ADOPTED

A motion was made by Mr. Robusto, seconded by Mr. Leszyk, to add under new business a discussion on organizational meeting date. 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

New Business – A motion was made by Mr. Robusto, seconded by Mr. Catalano, to adopt the following resolution:

Land Conveyance Relating to the Community Ridge PUD Development

WHEREAS, the Town of Ontario previously received a land conveyance relating to the the Town road known as “Community Lane”,

WHEREAS, only a portion of Community Lane was, thereafter, built and opened as a public road and a portion of the land remains owned by the Town and undeveloped; and

WHEREAS, Fedyk Builders, Inc. has received approval from the Town Board and the Planning Board for the development of a Planned Unit Development, to be known as “Community Ridge PUD”, which would include an extension of existing Community Lane, at its cost and to Town standards, near the location of the aforesaid undeveloped land owned by the Town; and

WHEREAS, as a result of the foregoing, the Town no longer needs or desires to extend Community Lane, as previously anticipated, with the result that the aforesaid lands now owned by the Town for such purpose, as aforesaid, are unnecessary and there is no purpose to be served by the Town continuing to hold title to such lands; and

WHEREAS, such lands would, if continued to be owned by the Town, significantly interfere with, if not make impossible, the proposed Community Ridge PUD development, as aforesaid; and

WHEREAS, Community Lane will be extended by Fedyk Builders, Inc., as part of the Community Ridge PUD development, at no cost to the Town;

NOW, on Motion duly made and seconded; be it

RESOLVED, that the Town Board of the Town of Ontario hereby finds that there is no value or purpose for the town to retain ownership of the land currently owned by it, as aforesaid; and be it further

RESOLVED, that the Town further finds that it is reasonable and in the best interests of the community and the citizens of the Town for the Town to convey such land to Fedyk Builders, Inc., in consideration for the proposed extension of Community Lane to be completed by Fedyk Builders, Inc., at its sole expense, as aforesaid; and be it further

RESOLVED, that the Town Supervisor be and is hereby authorized to execute and deliver a Deed to Fedyk Builders, Inc., conveying to it the land set forth on the attached “Schedule A”, and as depicted on the attached Map; and be it further

RESOLVED, that the within Resolution is subject to a Permissive Referendum and the Town Clerk is hereby directed to post and publish the required Notice of such Permissive Referendum. 4 Ayes 0 Nays 1 Absent (Ruffell) RESOLUTION ADOPTED

A motion was made by Mr. Smith, seconded by Mr. Leszyk, to adopt the following:
Dedication of Parcel of Land for Highway Purposes of the Intergrow Greenhouses Development

WHEREAS, Intergrow East, Inc., by “Offer of Dedication of Land for Public Highway Purposes”, dated December 6, 2017, has offered to dedicate certain lands in the Town of Ontario, Wayne County, New York consisting of a portion of the Timothy Lane cul-de-sac, as shown on a map entitled ”Intergrow Greenhouses, Inc. – Cul-De-Sac Conveyance Plan,” prepared by BME Associates, having drawing number 2533-21, dated June 30, 2017, and such offer has been presented to the Town Board of the Town of Ontario, and it appearing therefrom to the satisfaction of the Town Board that the lands so offered for dedication have been and are properly surveyed and mapped and should be accepted as Lands of said Town, and that all claims for damage have been properly released;

NOW, on Motion duly made and seconded, it was

RESOLVED, that the Town Board of the Town of Ontario does hereby consent that the aforesaid land, located in the Town of Ontario, Wayne County, New York, and as more particularly described as set forth on “Exhibit A” hereof, be accepted in dedication for highway purposes; and be it further

RESOLVED, that any taxes that are currently due or will become due on said parcel of land, as a result of the assessment roll in effect at the time of this acceptance, shall be the responsibility of the grantor dedicating the parcel of land to the Town. 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

A motion was made by Mr. Leszyk, seconded by Mr. Robusto, to adopt the following resolution:

HEALTH INSURANCE COVERAGE FOR THE TOWN JUSTICE POSITION TO BE HELD BY WILLIAM BENEDICT AS OF JANUARY 1, 2018

WHEREAS, the current Policy of the Town of Ontario, as set forth in §809 of the “Employee Handbook for the Town of Ontario” specifically provides that only full-time employees and certain, specified elected officials, not including Town Justices, are to receive Health Insurance as a benefit of their employment; and

WHEREAS, notwithstanding the above Policy provisions, on March 13, 2000, the Town Board adopted a Resolution “to exempt the current Town Justices (2) from the Town Policy 809 Premium Payment and allow them to continue health insurance coverage at no cost to them while in their current position”; and

WHEREAS, the Town Board previously determined that it is not appropriate to continue to “exempt” any Town Justice from the aforesaid Policy regarding Health Insurance and that it is fiscally prudent and appropriate to have such Policy apply to all Town Justice positions in the same manner and equal to all other part-time Town employees;

WHEREAS, William Benedict was recently elected to serve as a Town Justice for a term beginning on or about January 1, 2018;

NOW, THEREFORE, IT IS

RESOLVED, that, effective as of the commencement of the Town Justice position that has a term from January, 2018 through December, 2021, Health Insurance coverage for such position, to be held by William Benedict, shall not be provided to such Town Justice and the provisions to §809, as aforesaid, shall fully apply to such Town Justice position; and it is

FURTHER RESOLVED, that to the extent, if any, that the foregoing results in a differential in “salary”, as referred to in §27(1) of New York State Law, between the “salary” of the Town Justice position that has a term from January, 2016 through December, 2019 and the Town Justice position that has a term from January, 2018 through December, 2021, such differential is hereby approved by this Board. 4 Ayes 0 Nays 1 Absent (Ruffell) RESOLUTION ADOPTED

A motion was made by Mr. Catalano, seconded by Mr. Robusto, to authorize the renewal of the Towns General Liability and Public Officials Insurance with BRIT under the Broker-Hoffman Hanafin and Associates for a premium not to exceed $124,198.00 from January 1, 2018 to January 1, 2019. 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED
A motion was made by Mr. Robusto, seconded by Mr. Leszyk, to hold the Town of Ontario Organizational Meeting on Tuesday, January 2, 2018 at 7:00 p.m. in the Town Hall meeting room. 3 Ayes 1 Abstention (Smith) 1 Absent (Ruffell) MOTION CARRIED

**Executive Session** – A motion was made by Mr. Smith, seconded by Mr. Robusto, to move into an executive session at 7:32 p.m. on collective bargaining and a personnel matter for a specific person. 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

**Reconvene** – 7:59 p.m.

**Adjourn** – A motion was made by Mr. Smith, seconded by Mr. Robusto, to adjourn at 8:00 p.m. 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Respectfully submitted,

Debra DeMinck
Ontario Town Clerk

The above minutes will become official upon approval of the town board.