

**Town of Ontario
Planning Board Minutes**

February 9, 2021

Present: Planning Board Members – Chairman Steve Leaty, Gerald Smith, Michelle Wright, Dorothy Constable, Jason Coleman; Planning Board Secretary Beth Hart; Town Attorney Rich Williams; Town Engineer Shaun Logue; Town Councilman – Jeremy Eaton; Economic Development – William Riddell; and 14 members of the public.

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

A motion was made by Mr. Coleman and seconded by Mr. Smith to approve the minutes from January 12, 2021 meeting.

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 – Preston Landscape Service Inc. -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.

Greg McMahon, McMahon LaRue Associates, confirmed that the mulch processing operation has been removed from the property. Mr. Preston is proposing to store piles of processed mulch at this site for retail and wholesale sale purposes only.

He further confirmed that the existing 10” drainage pipe running through the center of the property is to be replaced with a 15” pipe, which he believes is sufficient for the drainage. He is in the process of reviewing the PRC comments and Fire Marshall comments, and believes they can address and resolve any remaining issues. The fence depicted on the plan will be a solid fence and is for property demarcation.

Shaun Logue, Town Engineer, indicated that the prior recommendation was that the drainage pipe be 18”. He will review this issue, now that the processing of mulch has been removed, to see if a 15” pipe will be sufficient.

David Hou, Attorney for applicant, also confirmed that all mulching processing and dyeing has been removed from the plan. The current pile of mulch need will need to be removed so the processing of it can be completed.

Mr. Hou further indicated that the small piles of mulch shown at the east end of the site are for homeowner purchase and the larger proposed piles on the west end are for sale to commercial customers. The size of the mulch piles will vary depending on the sales of mulch.

Greg McMahon stated the applicant is in the process of obtaining site plan approval for the property in Williamson where the mulch processing and dyeing will take place. Mr. Preston will need a water connection installed on that site before he can start processing again. All storage of logs, as well as the processing and dyeing of mulch will take place at the Williamson site. Until the applicant receives approval from Williamson, they do not have a timeline as to when the piles of mulch, currently on the property in Ontario, will be removed to finish processing. Tree service trucks will also be stored on the property in Williamson and not on this site.

Multiple members of the Board expressed the need to obtain from the applicant clarification as to the size of the proposed mulch piles at the west end of the property. Mr. Hou indicated that his client is reluctant to be specific out of fear that he

will be harassed by the Town's Code Enforcement Officer. Chairman Leaty indicated that it is necessary, for the protection of all concerned, that the applicant be very clear as to what he is proposing and, therefore, the Board will need specifics as to the dimensions of the mulch piles, their separation, drive aisles, etc.

Chairman Leaty also requested that the applicant's engineer and attorney provide a detailed time line as to the installation of the items on the plan, specifically to include the stormwater pond, the fence, drainage pipe and the removal of the existing large mulch pile the applicant plans to take to the Williamson site. The applicant also needs to be specific with regard to the hours of operation and traffic for the property. The phasing of this application, on sheet 3, also needs to be updated. Mr. Hou and Mr. McMahon indicate they understood and would make further submissions to comply.

Chairman Leaty opened the public hearing.

Karie Osterhout, adjoining resident, expressed that she is pleased that the mulch processing has stopped. However, she is opposed to the proposed large mulch piles directly behind her residence due to smell, vermin and fire issues. She said that dyed mulch has a particularly strong odor and believes it will have a very negative effect on her quality of life.

Chairman Leaty closed the public hearing.

Rich Williams asked Mr. Hou to remind the applicant that he has outstanding MRB engineer review fees for this application that need to be paid. Mr. Hou agreed to speak with his client on this issue.

401 Ridge Rd – Preliminary/Final Site Plan

The application of Deep Rock Real Estate LLC requesting Preliminary/Final Site Plan for construction of a commercial garage. The property is owned by applicant and zoned B.

Leo Spezio, applicant, explained an electric contractor will be using the building for office space, warehouse and storage for his 10 trucks. This project is a permitted use and will not need a special permit. The elevation drawing of the building will be the same as was previously talked about.

Greg McMahon, McMahon LaRue Associates, said they have corresponded with DOT about an egress/ingress off Route 104 and they have approved the conceptual review of this plan. All the PRC comments will be able addressed. We will be disturbing more than one acre and will need to do a SWPPP and NOI.

Chairman Leaty opened the public hearing. No one spoke.

Chairman Leaty closed the public hearing.

Chairman Leaty will need for next month is a revised plan showing the parking areas, building elevations, and submit an NOI and SWPPP to Town Engineer.

5900 Southbrook Dr – Southbrook Estates Section 3 - Preliminary/Final Subdivision and Preliminary/Final Site Plan

The application of Barone Lane Development Inc requesting Preliminary/Final Site Plan and Preliminary/Final Subdivision for a 45-lot subdivision for single family homes. The property is owned by applicant and zoned SR.

Mike Ritchie, Costitch Engineering, stated they have looked at both bio-retention ponds and have decreased the discharge off this property by 50%. The applicant is willing to change out the 6" pipe to a 24" pipe along phase 2.

Chairman Leaty opened the public hearing. No one spoke.

Chairman Leaty closed the public hearing.

At its regularly meeting on October 28, 2020, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Site Plan / Preliminary/Final Subdivision Plan with a suggested modification to the plans. The Board felt that it is necessary to modify plans in a manner that will document and require construction of another access road for this subdivision before another Certificate of Occupancy is granted for an addition hold in Southbrook Estates. The Board wanted to ensure that the access road(s) meet local and NYS Uniform Fire Prevention and Building Code requirements including but not necessarily limited to, Appendix D Fire Apparatus Access Roads, Section D107.1 of the "2020 Fire Code of NYS ", found online @ https://up.codes/viewer/new_york/ny-fire-code0-2020/chapter/D/fire-apparatus-access-roads#D.

The following is a list of additional comments the board provided regarding the site/subdivision plan application:

- 1) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway locations, building areas, parking areas, driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials – AASHTO recommendations), on-site traffic circulation and provision for emergency service vehicle access. Proposed on-site traffic circulation, driveway locations, 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 the internal subdivision streets and Ridge Road and no on-site development should impede available sight distances,
- 2) consideration should be given to the overall traffic impacts this and adjoining subdivision(s) will have on Ridge Road, particularly given the existing and proposed number of building lots, phasing/timing of development and proposed internal access between subdivisions. It is the Board's understanding that Southbrook Estates is planned to ultimately line to the Villa Fina Subdivision (and potentially to the Hidden Pines Subdivision) that are both located to the west and also have access to Ridge Rd,
- 3) emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),
- 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) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed development remain compatible with surrounding land uses,
- 6) the proposed sanitary sewer systems must meet applicable local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 7) the proposed lots/development must meet applicable local, federal and New York State (e.g. Department of Health, Uniform Fire Prevention and Building Codes, NYSDEC – Phase II stormwater management and erosion and sediment control plans) codes/regulations,
- 8) the proposed lots should meet zoning regulations for lot size, potential building setbacks etc.,
- 9) all necessary "cross-lot easements" should be in place, if applicable, to ensure that existing and potential future developments can maintain their function and compatibility (e.g. access/driveway, parking, stormwater management, utility, etc. easements),
- 10) the property owner(s) should be aware that portions of the parcel may contain (or be near) both NYS Department of Environmental Conservation wetland area and 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 and
- 11) future plans (if any) regarding the total acreage should be considered.

A motion was made by Mr. Smith seconded by Mr. Coleman to approve SEQRA for 5900 Southbrook Drive.

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 the Preliminary/Final Site Plan and Preliminary/Final Subdivision for 5900 Southbrook Drive.

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

476 Timothy Lane – Preliminary/Final Site Plan

The application of Timothy Lane Properties LLC requesting Preliminary/Final Site Plan for a 10,875sf commercial building. The property is owned by applicant and zoned I.

Tabled per applicant.

1675 Ridge Rd – Relevant Life International - Preliminary/Final Site Plan and Special Permit

The application of Jolynne Whittaker Ministries requesting Preliminary/Final Site Plan and Special Permit for construction of +/-8,300sf religious building. The property is owned by Glen Cone and zoned BT.

John Whittaker explained the building will include a small sanctuary, offices and a broadcasting studio. All services are either online or Television channels. Currently, we only hold two conferences a year for ministers outside of the area. This is a two-day conference and registration will be held to the capacity of the building. Heavy traffic entering Ridge Rd will only be during the conferences.

Don Lewis, DH Lewis Engineering, will be contacting NYS DOT to connect the water service off Route 104 ROW instead of Ridge Rd.

Chairman Leaty opened the public hearing. No one spoke.

Chairman Leaty closed the public hearing.

Chairman Leaty asked for an updated SWPPP, elevations of the building, County curb cut approval, and written statement of operations.

6453 Furnace Rd – Ontario Industrial Park - Preliminary/Final Site Plan and Preliminary/Final Subdivision

The application of Gerber Homes requesting Preliminary/Final Site Plan and Preliminary/Final Subdivision for a 4-lot subdivision and site plan for a 2,160sf commercial building. The property is owned by Ontario Self Storage and zoned I.

Mike Sponable, Greene Land Surveying, explained this is a one-acre flag lot for Morelli Plumbing and will need a waiver or a lot width to depth ratio. The plan for the DC Allen lot has not been filed with the County Clerk's office and no document number, Liber page or Tax identification number has been issued. This being the case, we have adjusted the driveway for DC Allen to be narrower than the first plan.

Discussion ensued relating to the DC Allen site plan/subdivision being filed with County.

Mike Sponable also explained the utilities for DC Allen have not started and there will be three separate trenches for DC Allen, Morelli Plumbing and future Gerber lot. Storm water will be a four-bay type pond will be between the back two lots.

Chairman Leaty opened the public hearing. No one spoke.

Chairman Leaty closed the public hearing.

At its regularly meeting on January 27, 2021, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Site Plan and Preliminary/Final Subdivision Plan with the following comments (some of which have been addressed in the application materials, but are being included in an effort to provide consistent comments regarding review of similar applications):

- 1) 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 the highly traveled Furnace Rd,*
- 2) 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),*
- 3) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building 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, building areas and associated parking/storage areas should be designed/developed in a manner that will provide a safe pedestrian and vehicular interaction between those items as well as access to Furnace Rd,*
- 4) development must meet all local, federal and NYS codes/regulations (e.g. NYS Uniform Fire Prevention and Building Codes – including driveway design/construction, NYS DEC – Phase II stormwater management and erosion and sediment control regulations and petroleum product related regulations – if applicable, NYS Department of Health – water and wastewater treatment/sanitary service related, etc.),*
- 5) 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),*
- 6) outside storage be “limited” (e.g. items in disrepair should not be permitted to accumulate),*
- 7) all toxic/hazardous materials that may be associated with any on-site business (if applicable) should be properly stored, handled and disposed of,*
- 8) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses – if applicable),*
- 9) Future plans (if any) for the total acreage should be considered,*
- 10) all necessary “cross-lot easements” should be in place, if applicable, to ensure that existing and potential future developments can maintain their function and compatibility (e.g. ingress/egress access/driveway, parking, utility, stormwater management, etc., easements) and*
- 11) the property owner(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS Department of Environmental Conservation wetland area (approximate mapping available for both 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 Ms. Wright seconded by Mr. Smith to approve SEQRA for 6453 Furnace 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

A motion was made by Ms. Wright and seconded by Mr. Coleman to approve the Preliminary/Final Site Plan and Preliminary/Final Subdivision for 6453 Furnace 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

Villa Fina Dr – Villas By Barone Ph 2 Subdivision - Preliminary/Final Site Plan and Subdivision

The application of Barone Land Development requesting Preliminary/Final Site Plan and Subdivision for a 23-lot subdivision for single family homes and townhouses. The property is owned by applicant and zoned SR.

Mike Ritchie, Costitch Engineering, the preliminary subdivision was originally approved in 2006 and we just need Final Subdivision and Preliminary/Final Site plan for section 2. This phase will include 11 single family homes and 2 buildings holding 12 townhouses. This phase will tie into Southbrook Estates section 2. DEC regulatory fees have been paid since the beginning of Phase 1 and this might help the DEC application.

Chairman Leaty opened the public hearing. No one spoke.

Chairman Leaty closed the public hearing.

A motion was made by Mr. Smith and seconded by Ms. Wright to adjourn the meeting. Meeting adjourned at 8:50pm.

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 February 9, 2021.

Beth Hart
Planning Board Secretary