

Unapproved

May 18, 2022

A Regular Meeting of the Planning Board was held on Wednesday, May 18, 2022 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 PM

PRESENT: Lauren Smith - Chair
Earl DeRue
Charlie Krukowski
Christopher McCourt
Nicole Sayers

ATTORNEY: Donald Young

TOWN ENGINEER: Jason Ebbs, LaBella, PC

OTHERS: Town Councilperson, Brent Rosiek; Richard Tiede, Marathon Engineering; Jerry Watkins, Riedman Acquisitions; Pete Gorman, Marathon Engineering; Margaret Fiore, and one other.

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7 PM

MINUTES

MOTION

Ms. Smith moved, seconded by Mr. DeRue to approve the minutes of the April 6, 2022 meeting.

ADOPTED

Ms. Smith – aye; Mr. DeRue – aye; and Mr. Krukowski – aye; Ms. Sayers – aye; Mr. McCourt - abstained.

COATES SUBDIVISION – SECOND APPEARANCE

Bruce Coates, 110-112 Pond Road, Honeoye Falls, requesting a 2-Lot Subdivision of an existing lot with two homes consisting of 5.639 acres. Zoned RA-1. Tax account no. 204.03-1-7. The Lot is owned by Bruce Coates, 112 Pond Road and will consist of .363 acres and has received an Area Variance from the Zoning Board of Appeals.

Ms. Smith welcomed Mr. Coates back to the Planning Board. She asked if the second septic was inspected, and Mr. Coates said it was.

Ms. Smith asked if Mr. Coates had increased the lot size, and he said he had.

Ms. Smith asked if the Board had any other questions for Mr. Coates. There were none.

MOTION

Mr. McCourt moved, seconded by Ms. Sayers to grant preliminary and final approval for the Coates Subdivision.

ADOPTED

Ms. Smith – aye; Mr. DeRue – aye; and Mr. Krukowski – aye; Ms. Sayers – aye; and Mr. McCourt – aye.

MENDON GREEN PLANNED UNIT DEVELOPMENT PUBLIC HEARING

Jerry Watkins of Riedman Acquisitions, 45 East Avenue, Rochester, NY 14604 to develop an 87.6-acre parcel into a 30-lot residential subdivision at the intersection of Canfield Road and Pittsford Mendon Road. The Lots are owned by Jerry Watkins, Riedman Acquisitions. Tax account nos. 192.04-1-1.2 and 192.04-1-1.3. Planned Unit Development in an RA5 Zoning District.

Mr. Tiede of Marathon Engineering and Jerry Watkins of Riedman Acquisitions approached the Planning Board. Mr. Tiede offered a detailed drawing of the Environmental Overlay Protection Districts (EPODS) to the Board.

Mr. Tiede showed the water district overlay and discussed per the Code Enforcement Officer (CEO), Corey Gates, the water overlay district is infringing on the pond area and some lots. All have grading. He illustrated EPOD 7, the woodlot, shows the Environmental Conservation Board (ECB) notes. Mr. Tiede said they will need a permit and a process to proceed.

Mr. Tiede explained EPOD 8 is a 100 Year Flood Zone with FEMA, and they will not develop in it. He said the soil is susceptible to flooding and discussed the areas and pond being filled. They have covered all the EPODs and the recommendations of the ECB.

Ms. Smith stated the ECB had positive remarks. Mr. Tiede said the ECB was very thorough.

Ms. Smith asked Mr. Young if the EPOD permit is granted from the Planning Board, and Mr. Young said yes.

Mr. Young said the last time the applicant submitted the tweaked plans, one concern was the EPODs, and he thanked them for addressing them. The ECB had no concern with the EPODs but an EPOD permit is to be given. He received the State Environmental Quality Review (SEQR) from the Tow Board and has the consent from the Town Board. The Planning Board is the last in the process for preliminary and conditional approval.

Mr. Young has seen the rendition of this application and nothing appears to be a major concern. Does the Board think it needs more information? Is the Board ready for the next step which is preliminary site plan approval? The next step after that is the final approval. If the Board is ready for preliminary approval, he will walk through the determination.

Mr. Young continued and said if the Board wants to move forward, we can discuss the resolves and the waivers, design criteria, and variance from a few designed criteria elements.

Mr. Young said Waiver One is the Department of Transportation (DOT) comments. It requested the entrance be moved farther south, and Mr. Tiede confirmed it was moved south.

Mr. Young said Waiver Two is no road cul-de-sac will be over 1000 feet in length. The developer will require a waiver for this as it cannot be shortened.

Mr. Young asked the applicant to speak regarding Waiver Three, the tangent curves. Mr. Tiede said it is required to have a minimum tangent between two curbs. One curb is without a tangent and does not have tighter bends, which allows the driver to refocus. With this the alignment happens automatically. Mr. Tiede said they do a lot of this in subdivisions. All the other have tangents because of tighter radius curves.

The next two resolves regarding EPODs were discussed.

The Board said there are no issues with how the project is laid out, there are no problems from the Engineers, and the ECB was ok with it.

Mr. Young said this is preliminary and is subject to 15 conditions that are categorized on how they need to be addressed. The applicant must have the first five for final approval.

Mr. Young reviewed the preliminary determination with the Board.

Ms. Smith asked Mr. Ebbs to address the waivers and give comment. Mr. Ebbs said the length of the cul-de-sac is not a concern and the speed limit will be 25-35 miles per hour. The entrance on Route 64 is because they are landlocked. The Board should give the applicant some leeway as they are owed that.

Ms. Smith asked if there were any other questions.

Mr. DeRue said that number seven shows drainage at the base of the pond. Who is in charge of the maintenance? The Town? Mr. Tiede said the Town as it is stormwater.

Mr. DeRue said the Town has a lot of maintaining though. Mr. Tiede said with the plunge pool and is designed to handle sediments. The pool overflows at 1' (one foot) of water until water finds easiest path of flow. He has designed a lot and it is amazing.

Mr. DeRue said the plunge pool still needs to be watched.

Mr. Krukowski asked how often it will need maintenance. Mr. Tiede said he has not had a failure in ten years. The DEC recommends their bioretention as they know the maintenance is less of a chore.

Mr. DeRue asked how it is funded. Mr. Tiede said it has been discussed with the Town Supervisor and attorney, and a dedicated maintenance fund will come from the affected properties.

Mr. DeRue asked about the sanitary manhole, and Mr. Tiede said it has been corrected on the final plans.

Mr. Derue said if they over dig wider on the entrance to those houses; they need a trench box. Mr. Tiede said Pittsford is requiring a trench box, and they are maintaining and will sign off.

Mr. Young said the ponds will need an easement for the Town before the applicant comes back for final approval. They will need to get direction from the Town. Mr. Tiede said the pond will be in the open space with an easement.

Mr. Young advised the will need the ownership on the final.

Ms. Sayers asked for clarity on the ambiguity of the open space behind the lots. Mr. Watkins said there will be forty acres of open space, and they are waiting on the not-for-profit. They needed to meet with their attorney. The want walking trails with the bridges.

Mr. Young asked the name of the not for profit. He suggested checking with the Mendon Foundation to make sure they do not want it a certain way. They need to check before final approval, unless the Mendon Foundation is not interested in it. Mr. McCourt said the Mendon Foundation is interested in it. Mr. Young said it needs to be finalized before final approval.

Ms. Sayers asked about the traffic with the walking trails. Will there be parking nearby or a dedicated road? Mr. Watkins said there will be no parking on their site, but there will be a walking path to the trails.

Mr. Young told the applicants to give a brief letter of intent on the walking trails and the Foundation agreement and easement, so the Board can work it into its conditions. The applicants understood.

Ms. Smith asked if the Board had any other questions. There were none.

PUBLIC COMMENT

None

MOTION

Mr. DeRue moved, seconded by Ms. Smith to close the public hearing at 7:39 PM.

ADOPTED

Ms. Smith – aye; Mr. DeRue – aye; Mr. McCourt – aye; Mr. Krukowski – aye; and Ms. Sayers – aye.

**TOWN OF MENDON PLANNING BOARD PRELIMINARY APPROVAL FOR PUD SITE PLAN/SUBDIVISION
RELATIVE TO APPLICATION FOR THE "MENDON GREEN" SUBDIVISION REVISED PROPOSAL**

WHEREAS, Riedman Acquisitions, LLC (the "Applicant"), has made application to the Town of Mendon for PUD site plan / subdivision approval relative to the proposal commonly known and referred to as "Mendon Green Subdivision" (the "Project"); and

WHEREAS, the Project received PUD rezoning in 2004 and preliminary approval in 2005, all associated with a 54-lot subdivision (the "Original Proposal"); and

WHEREAS, an agreement was entered into with the Town of Pittsford relative to the provision of sewer service to the Project, which agreement was confirmed by the Town of Pittsford in a January 22, 2022 letter as currently being in full force and effect; and

WHEREAS, the Applicant has now revised the Project to comprise a 30-lot subdivision (the "Revised Proposal"); and

WHEREAS, the Planning Board has previously made a finding of consistency relative to the intent of the PUD regulations regarding the Revised Proposal; and

WHEREAS, on or about March 15, 2022, the Town Board, as lead agency, confirmed that the original State Environmental Quality Review Act negative declaration applies to the Revised Proposal and no further SEQR action is required relative to the same; and

WHEREAS, on or about March 15, 2022, the Town Board consented to the consideration by the Planning Board of the preliminary PUD site plan for the Revised Proposal; and

WHEREAS, the Planning Board has considered all material information relative to such Application as well as has applied the factors pursuant to 260-16.1[F](2).

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the Application, subject to those conditions set forth herein, is consistent with factors and requirements set forth in the Code, including at Section 260-16.1[F](2); and, be it further

RESOLVED, that pursuant to the request of the Applicant, per Section 226-6 of the Code, the Planning Board hereby issues a waiver relative to Design Criteria Section 2.08(B)(9), subject to approval/permitting of the NYSDOT, thus allowing the intersection of the entrance to the proposed Project to be within 500 feet of the existing intersection, all as shown on the Map last submitted as part of said Application, particularly given that such restriction is not required in the interest of public health, safety and/or general welfare, particularly given that by correspondence dated March 14, 2022, the NYSDOT advised that the original location of the driveway "meets minimum requirements;" and, be it further

RESOLVED, that pursuant to the request of the Applicant, per Section 226-6 of the Code, the Planning Board hereby issues a waiver relative to Design Criteria Section 2.08(B)(6), thus allowing the proposed Cul-de-sac of the Project to exceed 1,000 feet in length for a maximum of +/- 1,580, all as shown on the Map last submitted as part of said Application, given that such restriction is not required in the interest of public health, safety and/or general welfare; and, be it further

RESOLVED, that pursuant to the request of the Applicant, per Section 226-6 of the Code, the Planning Board hereby issues a waiver relative to Design Criteria Section 2.08(B)(8), relating to tangent curves, such that the design shall be permitted all as shown on the Map last submitted as part of said Application, given that such restriction is not required in the interest of public health, safety and/or general welfare; and, be it further

RESOLVED, that pursuant to the Site Review Report by the Town of Mendon Environmental Conservation Board, though the Project site does include EPOD #7, the Project does not propose development that would materially impact the mature trees on the lot, and thus an EPOD development permit is therefore issued relative to EPOD #7; and, be it further

RESOLVED, that pursuant to the Site Review Report by the Town of Mendon Environmental Conservation Board, though the Project site does include EPOD #3, the Project does not propose development that would materially impact EPOD #3, and thus an EPOD development permit is therefore issued relative to EPOD #3; and, be it further

RESOLVED, that the Planning Board hereby issues preliminary approval of the Application, including for PUD site plan / subdivision, subject to those conditions set forth below; and, be it further

RESOLVED, that the approvals in this Resolution are subject to the following conditions:

Prior to Final Approval Unless Otherwise Dispensed with to Satisfaction of PB

1. Address Town Engineer written review comments directly impacting map, including regarding road alignment and including regarding wetland delineation confirmation and JD from USACOE per comment #25 of April 27, 2022 Labella comment letter, all to the satisfaction of the Town Engineer.
2. Address Town Code Enforcement Officer written review comments directly impacting the map, all to the satisfaction of the Code Enforcement Officer.
3. Address Town of Pittsford written review comments directly impacting map, all to the satisfaction of the Town of Mendon Engineer, including adjustment of side setbacks of lots 10 and 11 per comment # 33 of Pittsford letter.
4. Provide a written plan for the disposition/ownership/control of Open space /conservation Easements acceptable to the Town.
5. Addition of a notation on the PUD/Subdivision map that "The zoning regulations applicable to this subdivision are those as then currently applicable for the Town of Mendon RS-District, except 1) that where this approved map differs from such regulations, the use/area/dimensions for those improvements/items actually shown and specifically depicted on this map shall apply as zoning regulations and prevail and 2) any zoning regulations specifically notated on this map shall also prevail (e.g., those setbacks narratively notated on this map shall prevail)."

Prior to Building Permit Unless Otherwise Dispensed with to Satisfaction of PB

6. Approval by the Fire Marshal relative to fire protection plans, all to the satisfaction of the Fire Marshal.
7. Address remaining Town Engineer written review comments all to the satisfaction of the Town Engineer, except those comments which the Engineer concludes may be addressed prior to the issuance of the C/O.

8. Address remaining Code Enforcement Officer written review comments all to the satisfaction of the Code Enforcement officer, except those comments which the Code Enforcement Officer concludes may be addressed prior to the issuance of the C/O.
9. Address remaining Town of Pittsford written review comments all to the satisfaction of the Town of Mendon Engineer, except those comments which the Mendon Engineer concludes may be addressed prior to the issuance of the C/O.
10. Acquire any and all approvals and consent required by NYSDOT.

Prior to C/O Unless Otherwise Dispensed with to Satisfaction of PB

11. Acceptance of Declaration of Covenants by Town, including the filing thereof, though such are not enforceable by Town.
12. Filing of all Utility and Access easements/agreements satisfactory to the Attorney for the Town and the Town Engineer.
13. Proof of approval/acceptance by the Town of Pittsford of the sanitary sewers
14. Acquire any and all approvals and consent required by the Monroe County Water Authority.
15. Any approvals required of the Town Board relative to the acceptance of drainage improvements into a drainage district.

MOTION

Mr. DeRue moved, seconded by Mr. Krukowski for preliminary approval of the Mendon Green Subdivision.

ADOPTED

Ms. Smith – aye; Mr. DeRue – aye; Mr. McCourt – aye; Mr. Krukowski – aye; and Ms. Sayers – aye.

NEWCOMB SITE PLAN REAPPEARANCE:

Mike and Rachel Newcomb, 35 Sunset Boulevard, Pittsford, NY, for a 3,700 +/- square foot single family residence, and ~ 16,00 square foot horse stable with four adjacent fenced riding areas on Pond Road, consisting of 40 acres. Tax account no. 204.04-1-40.4. Zoned RA5.

Ms. Smith welcomed the applicants and their engineer, Pete Gorman.

Ms. Smith asked where the applicants stood with the ponds and public water.

Mr. Gorman said the house is the same, but the driveway is moved away from the wetlands. There is a smaller pasture. The wetlands and stream are delineated from the Army Corp of Engineers. He understands the ponds need to be detailed.

Mr. Young said the plans show the ponds. If the applicant has ponds, there needs to be new plans with the details. If there are no ponds, new plans are still needed with the ponds removed.

Ms. Smith said the ponds need to be moved 50 feet from the right of way.

Mr. Krukowski said the ponds need to be setback from the property line.

Mr. Young asked the applicants if they are looking to do ponds or not.

Mr. Gorman said it is all different from what he was told.

Mr. Ebbs mentioned the disturbance of the ponds and the detail is needed. They can do the ponds at a later date.

The disturbance was discussed and the need of Storm Water Prevention Protection Plan (SWIPP).

Mr. DeRue said the watermain to the property line valve needs to be changed with the Water Authority.

Ms. Smith asked if there were any questions.

Mr. Young said we are at a crossroads. The applicants need the map changed to remove the ponds. The second option is to offer preliminary approval with out the ponds or preliminary and final subject to Engineer approval without the ponds.

Ms. Smith said the CEO and LaBella need to review the new plans without the ponds.

The applicant said they will build the ponds at a later date. They were advised they will need a building permit for the ponds.

Mr. Young said he will amend the determination to include preliminary and final approval pending revised plans prior to signatures and the ponds will be removed from the plans.

Ms. Smith asked if the Board had any other questions. There were none.

Mr. Young reviewed the determination with the Board.

PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR NEWCOMB POND ROAD PROPOSAL

WHEREAS, the Town of Mendon has received an application from Mike and Rachel Newcomb relative to a site plan approval at Pond Road, including a single-family home and a horse farm on the 40+/- acre property at tax account # 204.04-1-40.4 zoned RA-5 Residential Agricultural 5 Acre; and

WHEREAS, the Mendon Planning Board has reviewed the application and considered all relevant information pertinent thereto.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves Parts 2 and 3 of the EAF, issuing a negative declaration for the application; and, be it further

RESOLVED, that a preliminary and final approval is hereby issued relative to the application, subject to the following conditions:

1. That, prior to final signature, the farm pond depicted on the plans be removed from the plans given that it is not currently planned to be developed, subject to final review by the Town Engineer of the revised plan.
2. That all development be in compliance with applicable wetland regulations and any permitting requirements, including that of the Army Core of Engineers,
3. That any removal of ash trees shall be compliant with wetland applicable regulations, including that such removal shall not cause any non-permitted disturbances to wetlands,
4. That any written review comments by the Town Engineer be addressed to the satisfaction of the Town Engineer,
5. That any written review comments by the Code Enforcement Officer be addressed to the satisfaction of the Code Enforcement Officer,
6. That any approvals/permitting required by the MCWA be obtained, and
7. That any approvals/permitting required by the NYDOH be obtained.

MOTION

Mr. DeRue moved, seconded by Mr. McCourt to offer preliminary and final approval for the Newcomb Site Plan.

ADOPTED

Ms. Smith – aye; Mr. DeRue – aye; Mr. McCourt – aye; Mr. Krukowski – aye; and Ms. Sayers – aye.

PUBLIC COMMENT

None

GENERAL DISCUSSION

The Board discussed their upcoming meetings.

MOTION

Mr. McCourt moved, seconded by Mr. Krukowski to close the meeting at 8 pm

ADOPTED

Ms. Smith – aye; Mr. DeRue – aye; Mr. McCourt – aye; Mr. Krukowski – aye; and Ms. Sayers – aye.