

Unapproved

April 6, 2022

A Regular Meeting of the Planning Board was held on Wednesday, April 6, 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

ABSENT: Christopher McCourt  
Nicole Sayers

ATTORNEY: Donald Young

TOWN ENGINEERS: Mike Simon, LaBella, PC

OTHERS: Town Councilperson, Tom DuBois; Richard Tiede, Marathon Engineering; Jerry Watkins, Riedman Acquisitions; Mike Bogojewski, BME Associates; Amy McCarthy, 114 N. Main Street, Honeoye Falls, NY; Bob Spiegel, 830 Mendon Road, Pittsford, NY; Tim Schiefen, 1350 Pittsford Mendon Road, Mendon, NY; Connie Kellogg, 65 Harloff Road, Mendon, NY; Anthony and Nicole Montone, 89 Harloff Road, Honeoye Falls, NY.

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7:07 PM

### **MINUTES**

### **MOTION**

Mr. Krukowski moved, seconded by Ms. Smith to approve the minutes of the March 2, 2022 meeting.

### **ADOPTED**

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

### **COATES SUBDIVISION PUBLIC HEARING**

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.

The Board had Mr. Coates clarify the address stating it is 100/112 Pond Road

Mr. Coates brought an updated survey and moved the rear lot line back to make the second lot larger with without interfering. If he moved it more it is non-conforming.

Ms. Smith inquired about the letter from Monroe County regarding the septic system. Mr. Coates stated 100 Pond Road was inspected in November, 2021 and had no water seepage.

Mr. DeRue asked if lot 112 is decreasing by half an acre. Mr. Coates said it will be just over five acres.

Mr. Krukowski asked Mr. Coates if he had any information on 112. Mr. Coates said he will get it.

Mr. Krukowski asked about the septic tank and service. Mr. Coates said it was installed in 1993 and serviced, but he does not know the date.

Mr. Krukowski asked if the tank is old. Mr. Coates said the house is ancient, and there is no ground water yet and when 112 was pumped last time, they said it was bad.

Ms. Smith asked about the County request. Mr. Coates said he did not have that information tonight, but he will get it.

Ms. Smith asked the applicant if he had reviewed the comments from the Town Engineer, LaBella regarding the existing EPODs. Mr. Coates asked what an EPOD is and Ms. Smith explained it is Environmental Protection Overlay Districts.

Mr. Krukowski said the EPOD map should be overlaid to show their locations.

Mr. Simon said they had copied in Mr. Mayer, the applicant's surveyor, and asked if Mr. Coates was supplied the information from him.

Ms. Smith said the Board is happy that the second lot is now half an acre as it meets the approved variance.

Ms. Smith opened the Public Hearing at 7:15 pm.

Ms. Smith asked the public if there were any comments. There were none.

Ms. Smith advised the Board is keeping the Public Hearing open as there will be more discussion when the applicant appears before the Board again.

Ms. Smith advised Mr. Coates to have the septic at 112 Pond Road checked out.

Mr. Simon said the lot on the map with the new lot shows an increase of half an acre, but the existing lot did not decrease in size. Mr. Coates said he noticed that as well and the first lot is at 5.1 acres. He sees it is not reduced and needs to be.

Mr. Simon said it is half an acre to the right of way and does not include the center line. It is preferred to see half acre to the right of way, and he wanted the Board to see it as well.

Mr. Young advised the applicant to speak with Code Enforcement Officer (CEO), Corey Gates regarding the septic.

### **ALTIER SUBDIVISION PUBLIC HEARING**

Richard Altier, 1117 Cheese Factory Road, Honeoye Falls, requesting a 2-Lot Subdivision of an existing lot consisting of 24.8 acres. Zoned RA-1. Tax account no. 224.01-1-3.101. The Lot is owned by 75 N. Main Street, LLC (Richard Altier), 1117 Cheese Factory Road, Honeoye Falls, NY 14472.

Ms. Smith welcomed the applicant.

Mr. Bogojewski of BME Associates and Mr. Altier came before the Planning Board.

Mr. Bogojewski stated the overall property is 24 acres and the applicant wants to subdivide into a 10-acre parcel on the East and a 14-acre parcel on the West. The applicant has frontage on both Harloff Road and Cheese Factory Road. There is a stream with an existing Town easement, and the property has already been split. It is mostly farmlands.

Ms. Smith said the Environmental Conservation (ECB) looked over the application and said the access is very limited. The front on Cheese Factory is more limited than that on Harloff. Mr. Bogojewski said he would look at it and consider it.

Ms. Smith asked about the CEO comments and Mr. Bogojewski will address them at next meeting.

Mr. Simon addressed LaBella's comments. The EPODs are noted on the plan and it gives the applicant an idea of the development area. The entrance to the proposed lot on 1A and if possible, Mr. Altier owns the driveway across from it, and he could give an easement for the new site to access it. The applicant understood.

Mr. Krukowski asked the applicant to put the EPODs over the map.

Mr. Bogojewski asked at their next appearance at the Planning Board, would they get preliminary and final approval. Ms. Smith said it is likely and if the applicant has the required information to the Planning Board secretary, Katrina Allen, by next week, they will be on the agenda for the May 18<sup>th</sup> meeting.

Ms. Smith asked if there was anyone from the public who wished to speak.

Anthony Montone, 89 Harloff Road, Honeoye Falls, asked if the applicant was building on the subdivision and if there would be another lot that would be subdivided. Mr. Young advised Mr. Montone is asking a theoretical question, and right now, the Board is only looking at one lot being subdivided into two. There is no intent to build at this time.

Mr. Montone asked about the deed restriction on the property and restricted covenants and the property cannot be subdivided. Mr. Young advised the Town does not deal with deed restrictions, and they are a private matter between the selling property owner.

Mr. Montone said there is a restricted covenant on the property, and Mr. Young advised the Town does not deal with them either. There is a beneficiary, and if they want to come forward and take action relative to that, then that is their prerogative.

Mr. Montone said there is a restricted covenant and the Town has a duty to not allow building. Mr. Young advised a restricted covenant is not law, and there is no application to build on the lots.

Ms. Smith asked if there were any other comments. There were none.

Ms. Smith advised the Board is keeping the Public Hearing open and told the applicant to get the information to Katrina. They understood.

### **STOTT SPECIAL USE PERMIT PUBLIC HEARING**

Hilary Stott, 75 Langpap Rd, Honeoye Falls, NY, requesting a special use permit at property located at 1369 Pittsford – Mendon Road (Mendon 64), containing 1.6 acres, to run a special for-profit entertainment uses and events (260-50) on said property, tax account no. 216.02-1-26, zoned Commercial-Business

Ms. Smith welcomed Ms. Stott and stated the event was done last year and was a raging success. Ms. Stott said this year is bigger and better.

Ms. Stott said she spoke with the new owner of Crabby Dans, and this year, they may piggy back on the event and have their own food outdoors.

Ms. Stott advised the dates will remain as June 18<sup>th</sup> and August 13<sup>th</sup>. The Rotary is managing parking and collecting that money to donate the proceeds to the Memorial Park. She said the events will start later this year. It will run from 4-11:30 pm. There will no vendors this year and there will only be slices of pizza from Salvatore's. There will be no food on site and it will all be inside. She wants people to utilize the other restaurants.

Ms. Smith confirmed Ms. Stott was ending at 11:30 pm, not 11pm. Ms. Stott said the music will stop at 11.

Ms. Stott said the music will start at 4pm and June is the same date as the community garage sale, and she is excited to have it all on the same weekend for the community.

Mr. Young asked if the location is 1369 Pittsford Mendon Road, and Ms. Stott said yes.

Mr. Young stated Ms. Stott is expanding the event this year and what does she mean by this. Ms. Smith said last year it was just behind Mendon 64, but this year, she wants to utilize the

businesses across the street. Ms. Stott stated she wants to include across the street and the businesses there to bring more business to surrounding restaurants.

Mr. Krukowski asked to clarify the August date. Ms. Stott said August 13<sup>th</sup> and June is the same; June 18<sup>th</sup>.

Mr. Young asked about the event and locations. Ms. Stott explained there is the parking and a huge green space for the beer tent and tables. She illustrated on the map where the emergency vehicles will have ingress and egress.

Mr. Krukowski asked if something was in place for people crossing Route 64. Ms. Stott said the Rotary and retired New York State Troopers will be managing security. She stated the Rotary is charging for parking and donating it to the memorial. They are parking at Mendon Meadows Marketplace, so they will not need to cross Route 64.

The Board confirmed the letter from Deric West, owner of Mendon Meadows Marketplace permitting parking on his premises is sufficient.

The applicant was advised approval cannot be granted until the liquor license and updated insurance are submitted. Ms. Stott understood.

The Board reviewed the remaining conditions with Ms. Stott. The Department of Health, Liquor License, Certificate of Liability Insurance, Covid 19 Regulations – as it is still prudent, and the hours are to be 4-11pm, with everyone off the premises by midnight. The band is to do regular sound checks, and the local emergency services – fire and ambulance – area are adequate and safe for the events. She was advised it is best to have traffic cones marking off neighboring businesses that wish to not allow parking for the events.

Ms. Smith advised the Board is keeping the Public Hearing open.

Ms. Smith asked if any of the public wished to comment.

Tim Schieffin, 1350 Pittsford Mendon Road, Mendon, said he enjoyed the event last year and is looking forward to it this year. He has nothing negative to say, but he does have a few questions. Is this Special Use Permit for one time or does it allow more dates in the future? Mr. Young said it is only for the two dates.

Mr. Schieffin asked if the entertainment means there will be food trucks and other businesses. Mr. Young said it is only the event Ms. Stott requested tonight.

Mr. Schieffin said in past years they do not want outside competition invited or any outside food trucks, because it is bad for business.

Ms. Stott said there is no food. Only Main Street Café might serve food to the guests, and she might have a truck that sells Boba tea as she does not know of another food truck locally that has that. The only outside food they use is Salvatore's, who does not have a food truck and is located

in Honeoye Falls. She wants the local business to have a QR Code that will be on a list, so event goers can look at the local restaurants online and order food to have delivered to their table at the festival.

Ms. Smith asked if there were any other questions or comments. There were not.

**MOTION**

Mr. DeRue moved, seconded by Mr. Krukowski to close the Public Hearing at 7:46 pm

**ADOPTED**

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

**MOTION**

Mr. DeRue moved, seconded by Mr. Krukowski to approve the Stott Special Use Permit with conditions.

**ADOPTED**

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

**MENDON GREEN PLANNED UNIT DEVELOPMENT**

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. They stated the Town Board approved the SEQR and addressed the comments. They biggest change is from New York State Department of Transportation who preferred the developer to move the drive as far South as possible. The developer did. It is curved and has lots that all are the same as before.

The applicants discussed the drainage and right-of-way that increased the road length. They are continuing to work through the Town of Pittsford comments, as it is very involved.

The applicants wanted to start a discussion with the Planning Board about donating land and they want the Town to perform the maintenance on it.

Mr. Young asked for clarification on what the applicants want the Town to maintain. The applicants said the SWIPP. They said the Town gets reimbursed from the homes from a special tax. They want a discussion with the Board.

Mr. Krukowski asked the cost of maintenance. Mr. Young advised it is a net neutral

Ms. Smith asked why the HOA is not maintaining it. Mr. Tiede said it is just a small spot. There are not a lot of other changes, and he wanted to know if the Board had any other questions.

Ms. Smith advised the Board just received the updated plans and has not had time to review them yet.

Mr. Simon said as far as the drainage, the applicants need the Town of Mendon with the Town Highway Department to do the maintenance. It would be funded by a special district tax only for these homes. They budget and then tax to recoup the cost.

Mr. DeRue stated manhole eight needs to be moved farthest East. Mr. Tiede understood.

Mr. Young recommended a third-party entity with the Pittsford for the GAP coordinating to not go sideways. The applicant agreed to meet with Pittsford.

The applicant discussed the Army Corp of Engineers and are hoping for a quick turnaround. Everything was flagged, and the applicants are assuming approval from them.

Mr. Young inquired about the delineation of the EPODs and will there be notes with covenant restrictions. The applicant said they do want deed restrictions on the lots.

Mr. Young said the drainage distribution is the Mendon Town Board's decision. He asked what the Planning Board's thought was tonight. They need a waiver as it is plotted over the 1000 feet maximum distance. Mr. Tiede said it was discussed at the last meeting the distance cannot be met.

Mr. Tiede said they are waiting on the New York State DOT, as their input will take priority.

Ms. Smith stated she believed the length of the road to the subdivision is to not be more than 1000 feet. Mr. Tiede said they had a waiver.

Side setback variances were discussed.

Mr. Young stated deed restriction should state the side cannot be "X" feet or something along those lines. Mr. Tiede understood.

Mr. Simon asked if the CEO's prior comments were addressed, and they were.

Mr. DeRue asked if there is still a walkway or path. Mr. Tide said they are waiting on getting the conservation invoiced and it is not completed now.

Mr. DeRue asked the developers if they are giving up ownership and they are.

The walking path and the no parking area were discussed, as was the Mendon Foundation's involvement.

Mr. Young asked if the applicants had spoken with the Mendon Foundation, and they had not as they are waiting on the pond stormwater to be addressed.

Mr. Watkins said there will be a line item on the homeowner's taxes that will fund the Town maintaining the stormwater. They advised LaBella Engineering should make the budget for it.

The maintenance and frequency of maintenance of the storm water were discussed.

Mr. Krukowski asked for a map that overlays and shows the EPODs so the Board is not flipping pages. Mr. Tiede said they will have it for the next meeting.

Ms. Smith asked if there were any other questions. There were none.

### **PUBLIC COMMENT**

Ellen Rookey, 103 East Street said her mom is Jody McCarthy who lives at 83 Mendon Road. She is worried about the number of houses and the lot size. Her mom invited the Planning Board to her home to see the water.

Bob Spiegel, 830 Mendon Road, wants to know what the zoning is and if this is selective zoning. If so, when was it set?

Mr. Young stated this property was originally approved for 54 lots and then it was submitted at 98 lots. It is now only 30 lots,

Mr. Simon said this is the lowest proposal he has seen. It was originally 54, then to 95 and now it is 30.

The Board stated this application went to litigation and the Court upheld the zoning. It is a Planned Unit Development (PUD). The Town did not want to have it, but the Court made the Town uphold the zoning and application. The PUD has been discontinued in the Mendon Town Zoning, but the Court made the Town allow it for Mendon Green.

### **GENERAL DISCUSSION**

The Board discussed their upcoming meetings.

### **MOTION**

Mr. DeRue moved, seconded by Mr. Krukowski to close the meeting at 8:26 pm

### **ADOPTED**

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

### **ADOPTED**

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