

A Regular Meeting of the Planning Board was held on Wednesday, August 17, 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  
Teresa Winship

ABSENT: Nicole Sayers

ATTORNEY: Donald Young

TOWN ENGINEER: Jason Ebbs, LaBella, PC

OTHERS: Town Councilperson, Brent Rosiek; Eric Nelson; Don Lewis, Marathon Engineering.

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7:01 PM

**MINUTES**

Ms. Smith read the clerk's note added to the July 20, 2022 minutes.

**MOTION**

Mr. DeRue moved, seconded by Mr. Krukowski to approve the minutes of the July 20, 2022 meeting.

**ADOPTED**

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

**POWELL SPECIAL USE PERMIT**

Robert Powell, 1275 West Bloomfield Road, Honeoye Falls, requesting a special use permit at 1275 West Bloomfield, containing 9 acres, to run a business training dogs in his barn for veterans and the community on said property, tax account no. 223.01-1-9, zoned RA-1.

Ms. Smith welcomed Mr. Powell to the table.

Ms. Winship recused herself as she is an abutting neighbor to the applicant.

Mr. Powell said he received a variance approval from the Zoning Board of Appeals for the preexisting barn on his property. He wants to train dogs for fellow veterans with Post Traumatic Stress Disorder to have as a companion to release stress. He wants to use the existing barn, so he does not need to put too much money into starting his business. If the business grows, he would move to a commercial area, but he is just starting small. He has 10 kennels in the barn and wants to train three to four dogs at a time.

Ms. Smith stated she reviewed Mr. Powell's letter to the Planning Board. The business hours are 7 am to 7 pm. Mr. Powell confirmed the hours and said customers would be scheduled. He would have four people with dogs per training session and board 10 dogs at a time.

Mr. DeRue asked Mr. Powell if they are all his dogs. Mr. Powell said they will be his customers' dogs.

Mr. DeRue asked if the dogs will remain with the applicant, and Mr. Powell said no. They will go home. The other dogs would be board to train if needed. If a customer is new to having dogs, he would board them and train them. He would have appointments for the daytime training with the customer and their dog. He wants to train four and the other six dogs would be for people going out of town that need to board their dog.

The applicant's background as a Special Forces Medic was discussed.

Pet waste removal and fencing the yard was discussed.

Ms. Smith read the Town Code for kennels and major home occupation.

The Board and applicant discussed the driveway, parking, and proximity of neighbors.

The applicant said he intended to insulate the barn for sound to help with dogs barking as well as using bark collars if the owner agreed. Mr. Powell said he has young children and he would now allow aggressive dogs.

The Board and Mr. Powell discussed his business plan. Ms. Smith said the applicant cannot have more than eight dogs, including his own, at any given time, per Code.

Ms. Smith said the Town Code does not specially address what the applicant is proposing to do, so the Board needs to work it into the confines of the Code. She said the Town already has two kennels, and those applicants could only have six dogs with their own, too.

The definition of boarding and keeping was debated, and the Board asked Mr. Young for advice.

Mr. Young said in the past, the Town has looked at all the dogs on the property, collectively, and this is a residence, not a commercial property.

The Board and applicant discussed the number of dogs.

Mr. Powell said he is trying to build this business without creating a lot of debt. His wife and he decided on 10 dogs.

The Board discussed the number of dogs permitted at the other kennels in Town.

The traffic and parking area were discussed. Mr. Powell said it is a high traffic area if he is there or not.

Mr. Young said the Board can have the Code Enforcement Officer interpret the Code for kennels and the number of dogs, etc.

Ms. Smith offered the applicant to set aside the kennel and look at a major home occupation.

Ms. Smith opened the Public Hearing at 7:47 pm.

**PUBLIC COMMENT**

None

**MOTION**

Mr. DeRue moved, seconded by Mr. Krukowski to close the Public Hearing at 7:47 pm.

**ADOPTED**

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

The Board advised the applicant to appear at another Planning Board meeting when there are more than three voting members present.

**DONALDSON SUBDIVISION AND SITE PLAN PUBLIC HEARING**

Scott Donaldson, 900 East Main Street, Rochester, NY 14605 to create a two-lot subdivision to construct two, two-story houses on property located on Lanning Road. Zoned RA-5. Tax account no. 223.01-1-33.

Mr. Lewis of Marathon Engineering represented the applicant, Scott Donaldson

Mr. Lewis said since the last meeting, he has addressed all the comments, including the wetlands and topsoil.

Ms. Smith said the applicant has addressed all the concerns, and LaBella has asked for a SWIPP for the stormwater. Mr. Lewis understood.

Ms. Smith asked the Board if there were any comments before she opened the Public Hearing. There were none.

Ms. Smith opened the Public Hearing at 7:59 pm.

**PUBLIC COMMENT**

Eric Nelson, 82 Lanning Road, said he is two properties to the South of the site. He owned the applicant's property and sold it to Scott Donaldson. Mr. Nelson said he came to the meeting to be sure it is recorded correctly. He could not attend the July 20, 2022 Planning Board meeting, and he wrote a letter to the Board. Mr. Holliday was at that meeting, and he lives at 70 Lanning Road. He said they both were not notified of the meeting.

Ms. Smith told Mr. Nelson they were all notified. There are copies of the letters mailed to them in the file. Mr. Nelson said they were not notified.

Mr. Nelson said the letter he sent to the Board he wants it recorded to reflect what he said. He watched the meeting and was disappointed in the Chair. He wants Donaldson to have public water and Mr. Lewis said the lines are too far, and it is not financially reasonable. Mr. Nelson said his letter stated the number of people in Mendon with poor well water, it seems the Planning Board should have had the water brought in. He said the Board rubber stamps. He has served on Boards. When he emailed a follow-up letter, he copied in Mr. Moffitt. Mr. Moffitt said the Planning Board does not have the authority to make applicants bring public water in. Mr. Nelson said if he had sold the lot to a small developer, they could have subdivided into five lots and built five homes. He is certain this Planning Board would find a way to get the water in.

Mr. Nelson said the other thing that disappointed him was there was no follow up on Mr. Lewis saying it was too far away and not financially feasible. Mr. Nelson wants to know what the Board said. Did they ask Mr. Lewis to get the cost estimate of public water versus drilling water and treating the water?

**MOTION**

Mr. DeRue moved, seconded by Ms. Winship to close the public hearing at 8:08.

**ADOPTED**

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

Ms. Smith thanked Mr. Nelson for his input, but it is not in the jurisdiction of this Board to require public water. It is not in the Town Code. She stated Mr. Nelson spoke with Mr. Donaldson and Mr. Donaldson knew the quality of the water. She is sure all things considered, he was able to weigh the costs of well water and public water.

Mr. Nelson asked to speak again. Ms. Smith allowed him.

Mr. Nelson said the number of neighbors that want public water, he figured Donaldson got the cost estimate and could come back to himself and the other neighbors and work it out. They came into the Town to review their concerns in July and talked to people.

Ms. Smith asked the Board if there was any more to add regarding the water and ponds.

Mr. DeRue advised Mr. Nelson to get with his neighbors and create an LLC to finance getting public water. It is what the Planning Board does.

Mr. Lewis and Mr. Nelson had a conversation for several minutes and they were advised that is not permitted while the meeting is in progress.

Mr. Young advised the Planning Board is not to require applicants to bring in public water. Mr. Nelson talked to the applicant tonight and he was accommodating. If Mr. Nelson wants to talk to Mr. Lewis privately, so be it, but this site is not in the water district.

Mr. Young reviewed the determination for the Donaldson Subdivision and Site Plans.

**Resolution Approving Subdivision and Site Plan Application for Property at the West Side of Lanning Rd., 941 Feet South of Cheese Factory Road, at Tax Map No. 223.01-1-33**

WHEREAS, an application was received from Scott Donaldson (the “Applicant”), relative to a parcel at the west side of Lanning Rd., 491 feet south of Cheese Factory Road (Tax Map No. 223.01-1-33), which is approximately 26.7 acres in size (the “Property”), for preliminary and final subdivision and site plan of such Property into two parcels, as well as site plan approval of the resultant parcels, apparently intended for single family homes (collectively, the “Application”); and

WHEREAS, the Planning Board has reviewed the Application and considered the same pursuant to the Town of Mendon Code; and

WHEREAS, the application is an unlisted action pursuant to SEQR.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the attached EAFs Parts 2 and 3, and a negative declaration based thereon is hereby issued; 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 EPODs #3 and #8, the Project does not propose development that would occur within either of the same, and thus EPOD development permits are hereby issued relative to EPODs #3 and #8, but only for construction which is located in the area consistent with the subdivision plat approved by this Resolution; 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 development in EPOD #9, the proposed houses will be built above flood elevation, and thus an EPOD development permit is hereby issued relative to EPODs #9, but only so long as the houses are constructed above the flood elevation to the satisfaction of the building inspector; and, be it further

BE IT FURTHER, RESOLVED, that Preliminary and Final Subdivision approval relative to the Application, all in accord with the map last submitted for the Application (dated last revised August 17, 2022), as well Site Plan approval for the resultant lots, is hereby granted, subject to the following conditions:

1. All outstanding written comments of the Fire Marshal shall be addressed to the satisfaction of the Fire Marshal prior to the issuance of a building permit.
2. All outstanding written comments of the Code Enforcement Officer shall be addressed to the satisfaction of the Code Enforcement Officer prior to the issuance of a building permit.
3. All outstanding written comments of the Town's Engineer shall be addressed to the satisfaction of the Engineer prior to issuance of a building permit, including specifically relative to the SWPPP.

**MOTION**

Ms. Winship moved, seconded by Mr. Krukowski to approve the determination.

**ADOPTED**

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

**GENERAL DISCUSSION**

The Board discussed their upcoming meetings.

**MOTION**

Mr. Krukowski moved, seconded by Mr. DeRue to adjourn the meeting at 8:19 pm.

**ADOPTED**

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