

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
Nicole Sayers

ATTORNEY: Donald Young

TOWN ENGINEER: Jason Ebbs, LaBella, PC

OTHERS: Town Councilperson, Tom DuBois; Scott Batterson; Representatives from Battle Construction.

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7:02 PM

MINUTES

MOTION

Mr. Krukowski moved, seconded by Ms. Sayers to approve the minutes of the August 17, 2022 meeting.

ADOPTED

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

MOORE SITE PLAN

Robert Moore, 968 Mile Square Road, Pittsford, NY to construct a garage forward of the house. Zoned RA-5. Tax account no. 205.04-1-6.3.

A representative for the applicant was not present.

Ms. Smith stated a few items have come up regarding the site plan, including Environmental Protection Overlay District (EPODS) and a historic building.

Ms. Winship said there were revisions EPOD 5. There will be questions to ask the applicant regarding the building, including the material and height. More information is needed. Ms. Winship said she is glad the garage is detached, and there should be some screening such as pine trees. It is a utility building, and something is needed to ground the building.

Ms. Smith stated the Board needs to do its due diligence and have the Historic Preservation Commission (HPC) review the application.

The Board stated the applicant needs to be rescheduled for another Planning Board meeting.

BATTERSON SUBDIVISION AND BATTLE SITE PLANS PUBLIC HEARING

Battle Construction, 10 Assembly Drive, Mendon, for a three-lot subdivision and site plans on two of the lots at property located on Taylor Road, Honeoye Falls in the town of Mendon, owned by Scott Batterson, 14 South Avenue, Fairport, NY, Zoned RA-1. Tax account no. 217.03-1-1.12.

Glenn Thornton, Thornton Engineering, appeared before the Planning Board. He said what is proposed is a subdivision on Taylor and Mile Square Roads. There are going to be three, Code compliant building lots. The two tonight are by Battle Construction. The Battles have potential buyers. They are proposing three to four-bedroom homes. They have tested with the Health Department, and the waste water is ready to be signed off. The water will come from wells on the properties. Mr. Thornton said he has sent response to the Town Engineer and addressed the Code Enforcement Officer's (CEO) comments. They have considered the Environmental Conservation Board's comments and has spoken with their surveyor. They will add the EPODS. Mr. Thornton said he received the Shuler neighbor letter, and if there is anything to add, they will.

Ms. Smith asked the Board if there were any questions.

Mr. DeRue asked about the space between the lots. Mr. Thornton said the separation is for a private road.

Mr. DeRue asked if there was topography with the water drain. Mr. Thornton said they did not survey the whole lot, but he is confident he knows the contours and where the water drains. He said they can add the drainage access lots with the swale with the EPODS.

Ms. Smith said the Board wants to see it and asked if it is on the site plan. Mr. Thornton said he is not sure how the rest is being divided and knows that Scott Batterson has some thoughts on it. He said it would be very expensive to bring water in.

Ms. Smith said the Board looked through Town files. Eight years ago, there was a conceptual plan with Mr. Batterson for 23 lots. Ms. Smith said it is clear the Board has some concerns. The Board wants to check the infrastructure and make sure it can support it. The concern is what if he decides, years down the road, to put a subdivision in. The Board sees what is proposed now, but will it be one lot, then two, then more next year? Mr. Thornton said he understood, but the way Mr. Batterson is developing makes sense. He started at the far end of the lot and is working his way towards civilization.

Ms. Smith said Hopper Hills Way has water, and has Mr. Batterson considered what it would take to get public water out to the sites? Mr. Thornton said he does not represent Mr. Batterson. He is the owner of the property and has his own surveyor. Ms. Smith said Mr. Batterson sent a letter to the Board giving Mr. Thornton permission to speak on his behalf.

Mr. Batterson approached the Board to answer questions.

Ms. Smith asked Mr. Batterson what his 10-year plan is. Mr. Batterson said the Board has Phase I, which is eight lots on Mile Square and Taylor Roads. When he subdivided for the Clark's lot, his plan was to move his family here on the corner lot. As for public water being on Hopper Hills, it is 1000 feet to extend the water and at \$40 per foot, it would be \$40,000 to supply water to one lot.

Ms. Smith asked if Mr. Batterson was talking about lot four or five, or the corner lot number eight. Mr. Batterson said lot eight. He is developing eight lots for the future and water is too expensive. He wants to develop the Mile Square and Taylor portion in his lifetime. But his baby daughter may inherit it and want

something different. He said no one knows what the future holds. Maybe his child or children will want to put in a private drive or dedicated road.

The Board and Mr. Batterson discussed the contours.

Ms. Smith said she sees the eight houses, and the applicant said they are being serviced by wells. Ms. Smith asked if that will that impact the water?

Mr. Ebbs said he cannot answer about the wells. The applicant would need a well test, but a Storm Water Pollution Protection Plan (SWPPP) is required. Mr. Ebbs said seeing one lot was developed, but with more developed, they are near the five-acre threshold.

Mr. Batterson said there is a strong possibility his wife and he will build their house in the next five years on Mile Square Road and get water brought in.

Ms. Smith asked Mr. Batterson if he would get public water. Mr. Patterson said they are one of the eight lots and one possibility would be the corner of Mile Square Road, and lot one, six, and seven could tap into that waterline. It is only a few hundred feet then as opposed to thousands of feet.

Mr. Batterson said it is ungodly expensive to run water and natural gas. He cannot say what the future holds. Maybe he will run gas, maybe he will just have propane. He cannot say for certain, as there are a lot of factors outside his control. He does not want to lock himself into anything.

Mr. Thornton addressed the stormwater and how in the past, they filter the water into drywells or infiltrations to somehow get the water back into the ground. He advised putting a pond onto the lots that are being developed would be difficult. It would be a possibility on the future lots.

Ms. Smith asked Mr. Ebbs his thoughts on the stormwater. He will communicate with Mr. Thornton after the meeting.

Mr. DeRue said he wants to see a whole site drainage plan. He said, yes, the soil is very pervious, but it is not pervious in the wintertime. If we approve the lot, and then in the spring, all that water is going to come over to another property. Mr. Thornton said they would get a system to get the water back into the ground. He was out in the spring after rainfall, and there was no flooding and that is in farmland. Lawns are more pervious.

A stormwater discussion followed and the need for it to be clear on a map.

Mr. Thornton said they would do drywells for the downspouts, and it can be a condition it must be added to the plans.

Mr. Young stated the issue is in the future, whether it be five, ten years, or whatever the concept is, when do we consider this a major subdivision instead of a few lots here and there? That is the challenge before the Board, including infrastructure concerns.

Mr. Batterson said he does not have deep pockets like other developers. He plans to maintain some green space, because he likes his agricultural exemption.

Mr. Batterson said what the Board is asking of him is going to deplete his budget, and he will not do anything and go back to the way he is living. He said he will do nothing and that is defeat because you

are not going to get taxes from potential houses. Mr. Batterson said he cannot put a specific time frame, because he is not as fast as a big developer.

Ms. Smith asked if his plan right now is to complete Phase I and get all the way to lot eight. Mr. Batterson said we will see. He does not know. There is a lot of factors out of his control.

Mr. Batterson said he does not have a lot of money, and he is not a big developer with deep pockets. He is a mail carrier and does not make a lot of money.

Ms. Smith said the Board understands it is expensive, and Mr. Batterson should not think the Board is trying to diminish this. The Board's concerns are the stormwater. In the end, it is protecting Mr. Batterson, too. If he builds his house and then he and others get flooded.

Ms. Winship asked if Mr. Batterson has a subdivision site plan showing the delineations. Mr. Batterson said no, because it costs too much money.

Mr. Batterson said he has one from 2017. Ms. Winship said the Board needs a clean one with Mr. Batterson's intentions.

Mr. Batterson discussed the possibilities of dedicated roads and spacing, as well as access points and maximum density. He said he does not know what the future holds.

Mr. Batterson said it is hard for him, because he owns a big piece of land. It is 80 acres, and he is only talking about four lots. It is too much for him to say what development in the future will be. He does not think he will develop more than eight lots. He is a big fan of open space and he loves being a landowner. He does not have the money to develop more than eight lots. He does not have the money some people have. He was not born into that kind of wealth. Mr. Batterson said he is not going to make a major subdivision, he just wants to get Phase I complete.

Mr. Batterson said the Board can make their requests as long as they are within reason, and he said Mr. Thornton will do his best to accommodate.

Mr. Thornton said they will submit a map with the drainage contours and future development, and they could even show some future stormwater management areas on that subdivision map. They will be totally DEC compliant.

Mr. Young asked what Mr. Batterson is intending for his next development. Mr. Batterson said he does not know for certain and mentioned different lots that could be next. It has taken him a long time to get before the Board for these three lots. There is also a possibility it will take a long time.

Mr. Young asked if Mr. Batterson could get a sketch plan for the eight lots, and if we backed off the whole max density, and instead, get sketch plans for the eight lots on the front end showing the subdivision infrastructure.

Mr. Batterson said he has a concept map and would be willing to enhance it within reason and with the understanding a lot is up in the air and he cannot commit to anything.

Ms. Smith said the applicant has given the Board a lot of information to process.

Mr. Young told Mr. Batterson the Code is very clear about what is required. He was contemplating the max density and the 23 lots.

Ms. Smith said the Board needs a little more time to process the information. She said the Board could make it a condition if other lots are developed, and can discuss the numbers, public water and sewer or the like could be implemented. The Board would be protecting themselves the other properties down the road.

Sprinklers and fire hydrants were discussed.

The Board discussed what will be required from the applicant for the next meeting, and the Board needs ample time to review new information. Mr. Thornton said he will need a few weeks and cannot make the next Planning Board meeting.

Mr. Young asked the Board what they are asking the applicant to provide.

Ms. Winship said a conceptual drawing showing the eight lots is required, and she likes the idea of keeping the open farmland. Mr. Batterson said he likes the agricultural exemption and does not see that going away. Ms. Winship said Mr. Batterson needs to keep in mind the Board is a planner, and its job is to plan.

Mr. Ebbs asked for the stormwater and watermain.

The Board discussed requirements and conditions.

Ms. Smith advised Mr. Thornton the Board cannot even offer conditional approval tonight, and Mr. Thornton said he was not expecting it.

Ms. Smith opened the Public Hearing at 8:19 pm.

PUBLIC COMMENT

The Board made a one-time exception regarding a letter emailed from an abutting neighbor and reading it verbatim into the minutes. The Board will not read letters aloud at meetings, as they are to take them into consideration, but are not to read them aloud to the public.

The letter from the Shulers below, was read:

Town of Mendon Planning Board,

We've resided at 617 Taylor Rd since 1982 just east of the project being considered. Having conversations with the neighbors near me, we were under the impression that the one lot that was approved back in 2017 was done so with the understanding that no further development would take place until a plan for the entire parcel.

Not having municipal water and gas service has always been part of the rural character of this area, yet as that character succumbs to development it seems that some of these services become a necessity. We're not against development, but as this farmland gets carved up it seems that the additional traffic, drainage, (with its proximity to State Wetlands), water access for fire protection, and other utilities should be planned with the whole of the neighborhood in mind.

Thanks for your attention.
Steven and Robin Shuler

The Public Hearing was kept open, as the applicant will reappear before the Planning Board at another date.

GENERAL DISCUSSION

The Board discussed their upcoming meetings.

MOTION

Ms. Sayers moved, seconded by Ms. Winship to close the meeting at 8:25 pm.

ADOPTED

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