

A Regular Meeting of the Planning Board was held on Wednesday, December 21, 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: Mike Simon, LaBella Associates

OTHERS: Town Supervisor, John Moffit; Town Councilperson, Brent Rosiek; Wendy Greer; Jeff Clark, Attorney for the Stotts.

Minutes were taken by Katrina Allen

Ms. Smith called the meeting to order at 7:00 PM

**MINUTES**

**MOTION**

Mr. DeRue moved, seconded by Mr. Krukowski to approve the minutes of the December 7, 2022 meeting, as amended.

**ADOPTED**

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

**CAWLEY SUBDIVISION INFORMAL DISCUSSION**

Josh Cawley, 1100 Pittsford Mendon Center Road, Honeoye Falls, requesting an informal discussion with the Planning Board for a proposed subdivision on two parcels at the corner of Pittsford Mendon Center Road and Topspin Drive consisting of 10.8 acres and 20 acres to create six residential five-acre lots. Tax account nos. 204.02-1-8 and 204.02-1-36, zoned RA-5.

Mr. Cawley approached the Board and explained he owns two parcels in the RA-5 zoning district and wants to subdivide into six lots with approximately six acres in each lot.

Mr. Simon said based on the information sent to him, half a lot is in the Department of Environmental Conservation (DEC) wetland. He said the wetlands need to be delineated by an environmentalist who knows how to. The applicant may gain or may lose land with the delineation, but the Board will want to know exactly where the wetlands are.

Mr. Simon asked about the concrete building on Pittsford Mendon Center Road. Mr. Cawley said it is an old drying building that is just storage now. Mr. Simon advised to make sure the Code Enforcement Officer (CEO) is ok with the building staying.

Mr. DeRue asked if Topspin Drive is a dedicated road. He was advised it is dedicated.

Mr. Cawley asked what his next steps should be. He was advised to create approved lots and come before the Board for site plan approval with the subdivision. Mr. Simon advised Mr. Cawley the first step is to delineate the wetlands. He may also need a conservation easement.

Mr. Cawley confirmed a lot cannot be approved if it cannot be an approved building lot. The Board said yes.

Mr. DeRue asked Mr. Cawley if he has walked the lot in the summer as there is a lot of muck.

The Board told Mr. Cawley to have the drawings detailed with all the Environmental Protection Overlay Districts (EPODS) listed. Mr. Simon said that will show Mr. Cawley where he can build.

Mr. Young stated once Mr. Cawley checks with the wetlands, it may change the design of the placement of homes.

The lot size and setbacks were discussed.

Mr. Cawley said he will sell the lots individually, but he may keep the lot with the barn for himself.

The Board gave Mr. Cawley his next steps. He needs to present the subdivision to the Board by following the process in the Town Code, delineate the wetlands, and Ms. Winship stated the property falls within three EPODs which can be found on the Town's website. The EPODS are 1 – Wetlands, 5 – there is a historic property to the North, and 9 – the Ponding of Soils, that need to be considered.

Ms. Smith asked the applicant's timeframe, and Mr. Cawley said three months.

### **POWELL SPECIAL USE PERMIT PUBLIC HEARING (SECOND APPEARANCE)**

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. Winship recused herself as she is an abutting neighbor to Mr. Powell.

Ms. Smith advised at the previous Board meeting, the issue was the number of dogs Mr. Powell wanted on his property. Mr. Powell said he and his wife talked it over, and they are willing to lower it to eight dogs. If the demand increases, he would look for commercial property.

Mr. Krukowski said he wanted it on record the applicant's dogs should not count towards the maximum dogs permitted.

Ms. Sayers stated she was absent at the applicant's last Board meeting and wanted to get caught up on the application. Mr. Powell said he wants to board some dogs and train dogs as well. He would do all types of training.

There was no public comment.

The training location was discussed. Mr. Powell said training will always be in the fenced in area when outside.

The amount of the liability insurance and number of dogs were discussed.

The Board reviewed the Powell Special Use Permit determination.

**Resolution Approving Major Home Occupation Special Use Permit and Site Plan for 1275 W  
Bloomfield Rd., Honeoye Falls, NY 14472**

WHEREAS, an application was received from Robert Powell (the “Applicant”) for the operation of a Major Home Occupation at the property at 1275 W Bloomfield Rd., Honeoye Falls, NY (the “Property”), comprising a) the keeping and care of (boarding) up to a total of eight dogs at the Property, including any of his own dogs, as well as b) training of dogs at the Property; and

WHEREAS, the Planning Board has reviewed the application and considered the required criteria at Section 260-35 of the Town of Mendon Code; and

WHEREAS, the Property has been granted an area variance to permit the sheltering of animals at a 70-foot setback (instead of a 100-foot setback otherwise required by Section 26037[E] of the Mendon Town Code); and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that, specifically given that the application will include no construction and comprises a proposed use consistent with the residential nature of the area that is permitted with a special use permit, the attached EAFs Part 2 and 3 are approved, and a negative declaration based thereon is hereby issued; and

BE IT RESOLVED, that the Planning Board finds that, based upon the Application, the record, and the conditions set forth herein, the Application satisfies those requirements as set forth at Section 260-25 and Section 260-24; and

BE IT FURTHER, RESOLVED, that the Planning Board finds that the application satisfies the criteria at Section 260-35 of the Town Code, as discussed and assessed by the Planning Board, including, specifically, that:

- The Property is in compliance with the Mendon Code,
- The Property is greater than one acre in size (at approximately nine acres),
- The proposed use, a) the keeping of up to eight total dogs at the existing barn (which includes any dogs of the owner), and b) the training of dogs at the Property [inside the barn], is clearly subordinate to the residential use of the property,
- The only employee for the proposed use will be the owner of the Property, the Applicant,
- The proposed use involves only the existing barn structure, as well as a small pre-existing fenced in area, and the yard,
- The outside area to be used is substantially screened by existing vegetation,
- The Property is substantially near the intersections of two public roads,
- No other major home occupation is conducted at the Property,
- The occupation would be fairly transparent and unobtrusive, because:
  - o The dogs would be primarily kept inside the barn, which is to be insulated, but also would be trained outdoors,
  - o No significant traffic will be associated with the operation,

- Parking would be handled with existing area on the Property, and
- No change is expected to the exterior of the Property, except that additional fencing may be added; and

BE IT FURTHER, RESOLVED, that a Special Use Permit and associated Site Plan for the specified Major Home Occupation, that is, a) the keeping and care of (boarding) up to a total maximum of eight dogs at the Property, including the owner’s dogs, as well as b) training of dogs at the Property, is hereby granted, subject to the following eight conditions:

1. No more than eight total dogs shall be present at the Property in total at any one time, inclusive of dogs owned by the owner/resident, dogs being boarded and dogs being trained.
2. Any signage present on the property shall be compliant with Town Code.
3. Dog waste shall be removed on a regular basis.
4. Dogs must be securely contained, whether by keeping indoors, or secure fencing outdoors, leash or otherwise.
5. Dogs which are outside, even if within a fenced area, may not be left unsupervised.
6. The Owner must provide a certificate of liability insurance to the Town, with minimum coverage equal to at least that amount provided in the homeowner’s insurance policy, and proof of the same must be provided yearly to the Town.
7. Hour of operation shall be limited from 7:00 AM until 7:00 P.M., such that customers shall not be present on the Property outside of those hours and training shall not occur at the Property outside of those hours.
8. The home occupation may not result in a noise nuisance, including that it shall be operated in accordance with Chapter 184 of the Mendon Town Code, relative to noise. Should the Property/Owner be the subject of a guilty verdict for an offense of the Noise Chapter, that shall be prima facie proof of violation of this condition.

**MOTION**

Mr. DeRue moved, seconded by Mr. Krukowski to approve the Powell Special Use Permit.

**ADOPTED**

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

**STOTT SPECIAL USE PERMIT PUBLIC HEARING (SECOND APPEARANCE)**

Hilary Stott, 75 Langpap Rd, Honeoye Falls, NY, requesting a special use permit for property owned by Michael Yodice located at 6 Victor Mendon Road, containing .47 acres, to operate a pizzeria on said property, tax account no. 216.07-1-16.1, zoned Commercial-Business.

Mr. Stott and Mr. Clark approached the Board.

There was no public comment.

Mr. Clark said the applicants are looking for approval with conditions.

Ms. Smith asked if there were any questions or comments from the Applicant. There were none.

Ms. Smith read the draft of conditions.

Ms. Smith closed the Public Hearing at 8:02 pm.

Mr. Krukowski asked if the Stotts have created the fire break. Mr. Stott said they have a firefighter that is their contractor, and he has a 5/8" (inch) gypsum board. Mr. Krukowski said it needs to be Type X, and it may need two. Mr. Krukowski said the Stotts need to speak with the CEO.

Ms. Smith reviewed the determination.

**TOWN OF MENDON PLANNING BOARD  
SPECIAL USE PERMIT DETERMINATION FOR PIZZERIA AT 6 VICTOR MENDON ROAD, MENDON, NY (Tax  
Account No. 216.07-1-16.1)**

WHEREAS, Hillary Stott and 6 Victor Mendon Road, LLC (the "Applicant") filed a special use permit application to operate a pizzeria (apparently to be known as "Bumpa's Pizzeria") (the "Application") on property owned by Mike Yodice at 6 Victor Mendon Road, Mendon NY, tax account no. 216.07-1-16.1 (the "Property"), said Property comprising approximately .47 acres in the "Business" District in the Town of Mendon (the "Town"); and

WHEREAS, the proposal in the Application constitutes a restaurant, and Section 260-17[D](11) of the Mendon Town Code ("Code") permits a restaurant within the Business District upon the issuance of a Special Use Permit ("SUP") by the Planning Board pursuant to Article VII of the Code; and

WHEREAS, the Planning Board has fully reviewed and considered all submissions and information relevant to the Application, including any comments at the duly held public hearing.

NOW, THEREFORE, BE IT, RESOLVED, that the Application is a Type II Action pursuant to SEQRA at 617.5(c)(18), and thus is not subject to further SEQR review; and

BE IT FURTHER, BE RESOLVED, that, based upon the following findings, and **subject to any conditions set forth herein, the Application for a Special Use Permit for the operation of a pizzeria, including the associated Site Plan attached as "Exhibit A" to a letter dated December 14, 2022, be and hereby is approved, and a parking waiver is issued such that only ten parking spaces are required for the SUP for the pizzeria,**

**Findings of Relevant Fact:**

1. The Applicant seeks a SUP (including the required associated site plan) to operate a pizzeria on the Property. The Property is within the Business District.
2. Ms. Stott, on behalf of the Applicant, appeared before the Planning Board on this Application at its meeting held on December 7, 2022, and Mr. Stott and the Stott's attorney, Mr. Clark at the meeting held on December, 21, 2022.
3. The proposed pizzeria will operate in an existing building, approximately 2400 SF, that has historically housed a pizzeria business (last formerly known as "Clemenza's Pizzeria).
4. The Application includes at 36x36 sign with the restaurant name attached to the building under the awning.

5. 12 parking spaces will be provided at the Property, two of which will be designated for the apartment use also associated at the Property, and 10 of which will be reserved for the pizzeria use.
6. Regarding the Special Use Permit requirements at Section 260-24 of the Code, relative to the Application as proposed, the record before the Planning Board, and based upon the conditions set forth herein, the Planning Board finds that, as follows:
  - a. Ingress and egress from the Property is sufficient, including particularly given the size of and estimated traffic at the restaurant;
  - b. Parking is sufficient based, including given that seating is only for 16;
  - c. Refuse handling is sufficient;
  - d. Utilities available are sufficient;
  - e. Screening / buffering is sufficient, particularly given the testimony of the neighbors;
  - f. Signs and lighting are compatible with the area;
  - g. The required yard and open space is sufficient;
  - h. The Application is generally compatible with adjacent properties and other properties in the zoning district, particularly given the historic use of the Property as a pizzeria.
7. Regarding the Special Use Permit requirements at Section 260-25 of the Code, the Planning Board finds that, the Application as proposed, based upon the record, and based upon the conditions set forth herein, satisfies the same, particularly given the historical use of the Property as a pizzeria, as follows:
  - a. The proposed use would not endanger or tend to endanger public health, safety, morals or the general welfare of the community.
  - b. The proposed use will be in harmony with the probable future development of the neighborhood and will not discourage the appropriate development and use of adjacent land and buildings or impair their value.
  - c. The Application is proposed in a manner that would mitigate potential adverse impacts and preserve or enhance the scenic, natural or historic character of the Town.
8. Regarding the Special Use Permit requirements at Section 260-248 of the Code, the Planning Board finds that, the Application as proposed, based upon the record, and based upon the conditions set forth herein, satisfies the same.

**Conditions of Approval:**

1. As a pre-requisite condition, the issuance of the Special Use Permit is subject to the demonstration by the Applicant that the wastewater system and appurtenant parts thereof, including a grease interceptor, are in proper working order, all to the satisfaction of the Town Engineer;
2. Given that an apartment has been permitted as a Specially Permitted Use at the Property, as a pre-requisite condition, the issuance of the Special Use Permit is subject to the demonstration by the Applicant that proper fire separation has been established, all to the satisfaction of the Town Fire Marshal;

3. As a pre-requisite condition, the issuance of the Special Use Permit is subject to the demonstration by the Applicant that compliant exhaust hoods have been installed above cooking appliances, all to the satisfaction of the Fire Marshal; and
4. As an ongoing condition, for safety purposes, and for purposes of preserving pedestrian and vehicular ingress and egress, any outdoor seating shall remain on the private Property and shall not improperly encroach on the public right-of-way.
5. Within 10 days of closing on 6 Victor Mendon Road, the Applicant shall present to the Town Building Dept. the deed or closing statement so that the Special Use Permit may be updated.
6. As an ongoing condition, the Special Use Permit shall not be transferrable.
7. As an ongoing condition, any signage will require a building permit.

**MOTION**

Ms. Sayers moved, seconded by Ms. Winship to approve the Stott Special Use Permit for Bumpas Pizzeria with conditions.

**ADOPTED**

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

**EQUICENTER SPECIAL USE PERMIT AMMENDMENT PUBLIC HEARING**

The Equicenter, 3247 Rush Mendon Road, Honeoye Falls, for a special use permit amendment for construction of a facility building and a barn/office addition to an existing barn at 3247 Rush Mendon Road, Honeoye Falls, consisting of 200 acres. Tax account no. 215.03-1-6.1. Zoned RA-1.

Mr. Young and Ms. Sayers recused themselves.

Katherine Hatch, Co-Director, and James Brownsword, Director of Facilities, approached the Board.

Ms. Hatch and Mr. Brownsword explained the Equicenter wants to build one new structure and build an addition to one barn. The addition is for safety as there are five people in an office that was originally a horse stall. They have equipment all over and for safety, they want to contain the equipment and clean the property. The new structure would store equipment and hay. The building would only be accessible to Mr. Brownsword and his staff.

Mr. DeRue asked if the addition has its own septic system. Mr. Brownsword said there is a washer and dryer and a bathroom. There are two large septic tanks on the property and a sewage line that connects them.

The septic and gravity were discussed.

Ms. Smith asked Mr. Simon to weigh in. Mr. Simon said he wants to be clear where the addition is going. Mr. Brownsword asked to approach the Board. He explained the location of everything.

The height of the building was discussed.

Ms. Smith asked if there would be any signage, and the applicants said no, as they do not want anyone going back there.

Mr. DeRue asked if they have hay delivered to their building. The applicants said they grow most of their own, but when it is delivered, there are no tractor trailers used.

Ms. Smith asked about lighting. The applicants said there will only be a safety light by the pedestrian door. Ms. Smith advised it must be dark sky compliant.

Mr. Simon said there is no environmental impact, and it is a Type II under State Environmental Quality Review (SEQR). SEQR 617.5 C(4) states an agricultural farm manufacturing practice includes constructing a new construction and does not require SEQR approval.

There was no public comment.

Ms. Smith closed the Public Hearing at 8:22 pm.

**MOTION**

Mr. DeRue moved, seconded by Mr. Krukowski to approve the amendment to the Special Use Permit, as there is no change to the original Special Use Permit.

**ADOPTED**

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

**GENERAL DISCUSSION**

The Board discussed their upcoming meetings.

**MOTION**

Ms. Sayers moved, seconded by Ms. Winship to close the meeting at 8:28 pm.

**ADOPTED**

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