

Unapproved

October 4, 2023

A Regular Meeting of the Planning Board was held on Wednesday, October 4, 2023 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY 14472 at 7:00 PM

PRESENT: Lauren Smith - Chair  
Earl DeRue  
Charlie Krukowski  
Nicole Sayers  
Teresa Winship

ATTORNEY: Donald Young

TOWN ENGINEER: Mike Simon, LaBella PC.

OTHERS: Town Councilperson, Brent Rosiek; Collette and David Morabito, 1100 Main Street, East Rochester; Keith Eichner, 7 Wandering Trail, Pittsford.

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7:02 PM

### **MINUTES**

### **MOTION**

Mr. Krukowski moved, seconded by Mr. DeRue to approve the minutes of the September 20, 2023 Planning Board meeting.

### **ADOPTED**

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

### **MCWILLIAMS SUBDIVISION PUBLIC HEARING**

Daniel McWilliams, 130 Wildwood Drive, Granville, OH 43023, for a three-lot subdivision on property located at 721 Mile Square Road, Pittsford, NY, consisting of 137.42 acres. Tax account no. 192.04-1-7. Zoned RA-5. The first lot will contain 105.971 acres; the second lot will contain 10.208 acres; the third lot will contain 21.241 acres.

Al LaRue of McMahon LaRue Associates, PC, approached the Board on Behalf of Mr. McWilliams.

Ms. Smith stated the school house on the property is eligible for State and local registry per the State Historic Preservation Office (SHPO).

Mr. Krukowski said if the land is developed, there are federal wetlands to address. Mr. LaRue said there is a Supreme Court designation and still need to delineate the lands. He will let the Supreme Court decide.

Ms. Smith opened the Public Hearing at 7:07 pm.

### **PUBLIC COMMENT**

Ms. Morabito, 1100 Main Street, East Rochester, asked if there will be a solar farm. Mr. LaRue said no.

Ms. Morabito asked if there will be a subdivision, and Mr. LaRue said no.

Mr. and Ms. Morabito and Keith Eichner, 7 Wandering Trail, Pittsford, went up to the board table and looked at the subdivision map and discussed it with Mr. LaRue, who explained the subdivision details to them.

Mr. Simon said the Right of way is bumped out as Probst Road is on the curve.

**MOTION**

Ms. Winship moved, seconded by Mr. DeRue to close the public hearing at 7:18.

**ADOPTED**

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

Mr. Young reviewed the resolution.

**Resolution Approving Subdivision for Property at 721 Mile Square Road, Tax Account No. 192.04-01-007**

WHEREAS, an application (the “Application”) has been received by the Town of Mendon Planning Board seeking the subdivision of a 137.42 acre lot at 721 Mile Square Road, Tax Map 192.04-01-007, into three lots, as follows: Lot 1 to contain 105.97 acres and an existing residence, Lot 2 to contain 10.21 acres, and Lot 3 to contain 21.24 acres, all in accord with the proposed subdivision map entitled “Map Showing McWilliams Subdivision,” drawn by McMahan LaRue Associates PC, and last dated June 26, 2023; and

WHEREAS, no development is currently proposed, and the NY State Office of Parks, Recreation and Historic Preservation (ORPHP) issued a letter dated September 22, 2023 finding that the proposal will not have an adverse impacts on historic resources; and

WHEREAS, the Town Environmental Conservation Board has reviewed the application, concluding that it should be approved, particularly given that no development is now proposed, but that any future proposed development should be subject to further review; and

WHEREAS, any future development will necessarily require further review in accord with law, including that any proposed development of Lot 2 will require consideration of potential impacts to the historic resources present there in accord with law; 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 Preliminary and Final Subdivision approval relative to the Application, all in accord with the map last submitted for the Application (dated last revised June 26, 2023), is hereby granted.

**MOTION**

Mr. DeRue moved, seconded by Mr. Krukowski approve the McWilliams Subdivision.

**ADOPTED**

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

**KOSCHNICK SPECIAL USE PERMIT PUBLIC HEARING – SECOND APPEARANCE**

Robert J. Koschnick, 1411 Fairport Nine Mile Point Road, Penfield, NY, for a Special Use Permit to continue operation of the Oriental Garden Supply on property located on 448 West Bloomfield Road, Pittsford, NY, consisting of 8.05 acres. Tax account no. 192.03-1-12.3. Zoned RA-5.

Ms. Smith stated the last time the application was before the Planning Board, there was some work the applicants had to do, and they did it.

Mr. Pfeiffer said there was an issue on the original site plan with the gray water holding tank. He has since received the Department of Health’s (DOH) recommendations. He had an engineer create a new site plan, and installed an alarm on the tank as recommended by the DOH.

Ms. Smith said they are requesting a Special Use Permit issued to Robert Koschnick as the business has previously been operating under Mr. Pfeiffer.

Ms. Winship asked if it will be the same operation as it has been. The applicant said yes.

Ms. Smith opened the Public Hearing at 7:26 pm.

**PUBLIC COMMENT**

None

**MOTION**

Mr. Krukowski moved, seconded by Mr. DeRue to close the public hearing at 7:26 pm.

**ADOPTED**

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

Ms. Smith said there will be some conditions of the determination.

Mr. Young stated the two-year letter from the DOH has been received.

Ms. Young read the determination.

**TOWN OF MENDON PLANNING BOARD**

**SPECIAL USE PERMIT FOR PERMANENT FARM MARKET COMMONLY KNOWN AS “ORIENTAL GARDEN SUPPLY” AT 448 WEST BLOOMFIELD ROAD, PITTSFORD, NY (Tax Account No. 192.03-1-12.3)**

WHEREAS, Robert J. Koschnick (the “Applicant”) filed an application for a special use permit to continue business operations previously allowed under a previously issued special use permit to operate a permanent farm market commonly known and referred to as “Oriental Garden Supply” (the “Application”) on property 448 W Bloomfield Rd., Pittsford, NY 14534, tax account no. 192.03-1-12.3 (the “Property”), said Property comprising approximately 8.048 acres in the “RA-5” District in the Town of Mendon (the “Town”); and

WHEREAS, Section 260-13[D](8) of the Mendon Town Code (“Code”) permits a permanent farm market within the RA-5 District upon the issuance of a Special Use Permit (“SUP”) by the Planning Board pursuant to Article VII of the Code; and

WHEREAS, a special use permit has previously been issued to a different owner for the operation of a permanent farm market at the Property (“the 2005 Special Use Permit”); and

WHEREAS, the current Application for the special use permit to the Applicant proposes to operate the permanent farm market consistent with current operations apparently permitted under 2005 Special Use Permit, with no changes to current operations currently proposed; and

WHEREAS, the applicant has submitted a Site Plan to be associated with the proposed SUP, drawn by Marks Engineering, entitled “Wastewater Plan for Oriental Garden Supply, LLC,” and last dated September 7, 2023 (the “Site Plan”); and

WHEREAS, the applicant has provided to the Town an executed waiver from the NY Department of Health relative to wastewater treatment at the property; 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)(32), and thus is not subject to further SEQR review; and

BE IT FURTHER, BE RESOLVED, that, based upon the following findings, **the Application for a Special Use Permit to continue the Permanent Farm Market consistent with current operations (apparently permitted under the 2005 Special Use Permit) be and hereby is approved, subject to the following condition(s), and** based upon the following findings of fact:

**Condition:**

1. That the permanent farm market be operated in compliance with applicable NYS requirements, including requirements of the NYS Department of Health.

**Findings of Relevant Fact:**

1. A special use permit has previously been issued for the operation of a permanent farm market at the Property, but said previous application was for a different owner (“the 2005 Special Use Permit”).
2. No changes have been proposed to current operations, which apparently are permitted under the previously approved 2005 Special Use Permit, except for a new owner, such that the following continues to be proposed:
  - a. The sale of landscape plans and materials to the general public and landscaping contractors, including retail and wholesale.
  - b. Operation is proposed Monday-Saturday 9-4pm, and Sunday 12-4pm.
  - c. There are approximately 16-18 parking spaces available.

3. No material changes have been proposed to the current site and/or associated current operations, including that no material alterations to the Property or building(s) are proposed. However, the Site Plan to be associated with the proposed SUP shall be the Site Plan, drawn by Marks Engineering, entitled “Wastewater Plan for Oriental Garden Supply, LLC,” last dated September 7, 2023.
4. 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 remains sufficient given that no additional traffic is expected at Property and further given that no changes are proposed to the permanent farm market that has operated at the Property for over fifteen years.
  - b. Parking remains sufficient based upon the above.
  - c. Refuse handling remains sufficient based upon the above.
  - d. Utilities available remain sufficient, as no changes are proposed for the Property/building thereon.
  - e. Screening / buffering remain sufficient, as no changes are proposed for the Property/building thereon.
  - f. Signs and lighting remain compatible with the area, as no changes are proposed for the Property/building thereon.
  - g. The required yard and open space remains sufficient, as no changes are proposed for the Property/building thereon.
  - h. The Application is generally compatible with adjacent properties and other properties in the zoning district, given all of the above.
5. Regarding the Special Use Permit requirements at Section 260-25 and 260-57 of the Code, the Planning Board finds that, the Application as proposed, based upon the record, satisfies the same, for all those reasons set forth above.

**MOTION**

Ms. Winship moved, seconded by Mr. Krukowski approve the Koschnick Special Use Permit.

**ADOPTED**

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

**DONALDSON, JR. SITE PLAN**

Scott Donaldson, Jr, 140 East Street, Honeoye Falls, for site plan approval to build a 4,000 square foot barn located forward of the front of the home for property located at 50 Lanning Road, Honeoye Falls, NY, consisting of 26.68 acres. Tax account no. 223.01-1-33. Zoned RA-5.

Mr. Donaldson, Sr. represented his son, who is out of the country.

Ms. Winship said the barn is forward of the home and asked what the material will be used. Mr. Donaldson said it will not be crude looking. They will use a wood frame with vinyl siding.

Mr. Krukowski said the really should have a blue print of the barn.

Ms. Winship asked if there will be any additional lighting and to make sure it is dark sky light pollution compliant. She asked if lighting will be mounted to the building, and Mr. Donaldson said he imagines his son will have lights there.

Ms. Winship asked about the trees by the road. She asked if they are pines or deciduous trees. Mr. Donaldson said there are hardwood trees, and he does not want to touch the stuff.

Ms. Smith stated the concern is addressing the screening to the road and how much is seen to people traveling down the road.

Ms. Winship said if the trees are mostly deciduous, there should be pine trees for the winter to offer a buffer.

Mr. DeRue said there should be a visual of the buffer on the plans.

Mr. Krukowski said they really need a blue print.

Mr. DeRue said Norway Spruce are good trees as the deer do not like them.

Ms. Smith said once the updated plan showing the buffer and architectural rendering is complete to contact Katrina to be added to the next available agenda.

#### **PUBLIC COMMENT**

None

#### **GENERAL DISCUSSION**

The Board discussed the upcoming meetings.

#### **MOTION**

Ms. Winship moved, seconded by Mr. DeRue to adjourn the meeting at 7:52 pm.

#### **ADOPTED**

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

For full meeting information, please visit the Town of Mendon's YouTube page.

<https://townofmendon.org/community/youtube/>