

A Regular Meeting of the Planning Board was held on Wednesday, July 17, 2024 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

ABSENT: Teresa Winship – Recused

ATTORNEY: Don Young

OTHERS: Brent Rosiek, Town Councilperson

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7:02 PM

**MINUTES**

There was not a quorum of the Planning Board members who were present at the June 26, 2024 Planning Board meeting at the July 17, 2024 meeting to approve the minutes from the June 26, 2024 meeting; therefore, approval of said minutes is tabled until the next Planning Board meeting.

**POWELL SPECIAL USE PERMIT RENEWAL PUBLIC HEARING**

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

Ms. Smith welcomed Mr. Powell to the table.

Ms. Smith stated a few years ago, Mr. Powell was approved for a special use permit, but he has not started his business yet.

Mr. Powell said that is correct. He has not had more than four dogs, including his own, at this house yet. He has been in school for respiratory therapy, and is now ready to start the business.

Ms. Smith stated they have an approval drafted, and there were no concerns with the State Environmental Quality Review (SEQR).

Ms. Smith asked the Board if there were any questions. There were none.

Ms. Smith said Mr. Young wondered what the red was on Mr. Powell's site plan, as it was not clear. Mr. Powell said it is the parking pad and existing fence.

Ms. Smith stated everything on his application is the same as what he was approved before and nothing has changed.

Ms. Smith read the resolution.

The Board discussed who constitutes employees, as the applicant will have his wife and children helping from time-to-time.

The Board discussed the times of operation and training.

Ms. Smith continued with reading the resolution.

Ms. Smith opened the Public Hearing at 7:17 pm.

**PUBLIC COMMENT**

None

**MOTION**

Mr. DeRue moved, seconded by Ms. Sayers to close the Public Hearing at 7:17 pm.

**ADOPTED**

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

**MOTION**

Mr. DeRue moved, seconded by Ms. Sayers to approve the Powell Special Use Permit as written and revised.

**ADOPTED**

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

**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, a substantially similar application was reviewed and approved in 2022 by the Planning Board, but such application has expired, and the Applicant seeks a re-approval; 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 was previously 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 employees planned for the proposed use will be the owner of the Property, the Applicant, with assistance from his wife and/or children from time to time,
- 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,
  - o Parking would be handled within existing area on the Property, and
  - o 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. Prior to operation, 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. Hours of operation shall be limited from 7:00 AM until one hour after sunset, 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.
9. If the variance previously granted relative to the setback has expired, the applicant shall be required to obtain said variance prior to operation.
10. The operation shall be operated in accordance with the Mendon Town Code.

**GENERAL DISCUSSION**

The Board discussed the upcoming meetings, August 7, 2024 and August 21, 2024, are canceled as there are no agenda items.

**MOTION**

Mr. DeRue moved, seconded by Ms. Sayers to adjourn the meeting at 7:20 pm.

**ADOPTED**

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

For full meeting information, please visit the Town of Mendon’s YouTube page:

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