Unapproved September 1, 2021

A Regular Meeting of the Planning Board was held on Wednesday, September 1, 2021 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Brent Rosiek – Chair

 Earl DeRue

 Tom Voorhees

 Christopher McCourt

 Lauren Smith

ATTORNEY: Donald Young, via Zoom

OTHERS: Town Councilman, Tom Dubois; Rachel and Mike Newcomb; Gary Loope

Minutes were taken by Katrina Allen

Mr. Rosiek began the meeting at 7:00 pm.

**MINUTES**

**MOTION**

Mr. McCourt moved, seconded by Mr. Voorhees to approve the minutes as amended of the August 18, 2021, meeting, as submitted.

## ADOPTED

Mr. Rosiek – aye; Mr. DeRue – aye; Mr. Voorhees – aye; Mr. McCourt - aye and Ms. Smith – aye.

**FIORE SPECIAL USE PERMIT PUBLIC HEARING**

Margaret and John Fiore, 2 Field Ave, Hicksville, NY, for a special use permit at 383 Pond Rd, consisting of 27.87 acres. Tax account no. 204.04-1-40.21. Zoned RA5.

Mr. Rosiek reiterated that the applicant is looking for a Special Use Permit for a for profit special, one-time entertainment use and event.

The Board reviewed the receipt of documents from the Fiores, including the Mendon Fire Chief’s letter of approval regarding EMS ingress and egress, Certificates of Insurance (COI), Site Plan with parking and tent identified, Liquor License, and Alternative Parking Plan.

Ms. Smith stated the applicants need to add the Town on the COI and they have submitted Commercial Liability.

It was stated that at 5:15 pm today, the applicants submitted the COI insuring the Town.

Mr. Voorhees asked if there was anything additional from the Fire Department. Mr. Fiore stated that Chief Kester walked the site with Cory Trewer, and the Fire Department has access both ways into the property.

Mr. Rosiek advised, they received a sign letter of support from Mr. Kester on Fire Department letterhead.

Mr. Rosiek asked about not allowing left-hand turning out of the property, as it could create more traffic concerns.

Mr. Fiore said they were concerned the speed limit is 55 MPH and cars cannot see other vehicles travelling up the hill, but guests can make a left-hand turn farther down the road.

Mrs. Fiore stated they were considering having someone stand in the road to assist guests’ arrival. Mr. Fiore added, the issue with the left-hand turn is only with guests’ arrival. When guests depart, they exit on the west-side of the property and make a left or right-turn.

Mr. Rosiek stated it would be best to have someone assist as the concern is too many vehicles turning around in neighbors’ driveways or people making a U-turn in the middle of the road. The applicant stated they will have someone there.

Mr. Voorhees stated the applicants need someone on Pond Road assisting. The Fiores stated they have talked about it.

Mr. Rosiek said the applicants have enough staff, and it is best to have someone out assisting the left-hand turn into the property.

Mr. Rosiek inquired if music provided was a band rather than a DJ. The applicant advised it is a band, and they do sound-checks throughout the night.

Mrs. Fiore stated that Jared is their wedding planner.

Mr. McCourt asked if Jared is the Fiore’s employee. Mr. Fiore stated Jared was hired by the bride and he works at Wegmans.

Mr. Rosiek asked if the Board needed more time to review the deliverables. The Board members did not.

Mr. Rosiek asked when reception will end, as the band concludes at 10:30 PM. The Fiores stated that their contract has the wedding ending at 11 PM.

Mr. Rosiek inquired about the liquor license. Mr. Fiore stated that it is given by New York State two days prior to an off-site event as New York State does not want it used multiple times and days. Mr. Fiore stated that the correspondence from New York advises everything is in order.

Mrs. Smith advised the applicants that their COI is not in order as the applicant for the Special Use Permit is Margaret Fiore and she is not listed on the policy. In addition, the policy lists the insured as a corporation, not the property owners.

Mr. Young advised the insurance policy must match the homeowners’ and applicant names. The Fiores stated they will have the policy amended.

Mr. DeRue wanted to confirm the policy covers September 10-12th as the guests are arriving on the 10th and staying over until the 12th.

Mrs. Smith stated that the insurance policy does not list the description of operations, by listing the special, one-time event and the dates.

Mr. Fiore stated they are planning on reinstating the agriculture on the property.

Mr. McCourt asked for clarification on what they are considering. Mrs. Fiore said they are looking to grow fruit trees.

Mr. Young stated regarding the COI, the more specific, the better, but did not want to narrow the coverage in any way.

Mr. Rosiek stated the Fiores need to add homeowners as additional insured and make the Town of Mendon listed with specific description and covered Thursday, September 9, 2021 though Tuesday, September 14, 2021. The Fiores understood.

Mr. Young stated to make sure the word “Wedding” is listed, and Mrs. Fiore understood.

The Board reviewed and amended the draft of the Resolution submitted by Attorney, Don Young as follows:

RESOLUTION APPROVING APPLICATION FOR SPECIAL USE PERMIT RELATIVE TO 9/11/2021 WEDDING EVENT AT 383 POND ROAD

WHEREAS, Margaret Fiore has made application for a special use permit for “Special For-Profit Entertainment Uses and Events” comprising a “One-time Sept. 11, 2021 outdoor wedding” for property at 383 Pond Rd. Honeoye Falls, NY 14472; and

WHEREAS such application is a Type 2 action pursuant to SEQR, since it is a one-time event and not including any construction or modifications to the property, thus qualifying as a “minor temporary use;” and

WHEREAS, the Planning Board has reviewed such application and associated materials and has considered those requirements at Section 260-50 of the Mendon Code.

NOW, THEREFORE, BE IT RESOLVED, that, relative to the applicable requirements at Section 260-50 of the Code, the Planning Board hereby finds as follows:

* A. The Code Enforcement Officer has determined that the “site” meets the minimum qualification for 50 acres with the two adjoining parcels. The ECB has reviewed the proposal and finds no environmental concerns relative to EPODs.
* B. This application and determination is relative to a single event on Sept. 11, 2021, and the findings and considerations herein rely on the fact that this is a single, one-time event. If this application were instead for multiple events, including in connection with a wedding venue business with regular events, the potential impacts assessed herein would be more intense, more likely to impact the character of the neighborhood and area, etc., and the assessment herein would thus change as a result. Moreover, the SEQR assessment would also change due to it not being a minor, temporary use.
* D(2). – The wedding program will be on September 11, 2021, from 8AM until 11PM, with less than 15 guests staying overnight on the evening of September 10 and September 11, 2021.
* D(3) – Apparently, assistant Fire Chief Cory Trewer will be on site during the event and has received clearance from Mendon Fire Chief regarding emergency services site access plan.
* D(4) – A. Food will be catered for Nolan’s. B. Regarding medical, EMT/Assistant Fire Chief Corey Trewer will be on site during the event. C and D – A parking flow and traffic plan has been submitted.
* D(5) – Waste will be collected on site with appropriate containers and removed by Casella after event.
* D(6) – Nolan’s will be providing catering for the event. A Certificate of Insurance for Nolan’s has been provided.
* D(7) – No more than 15 guests will stay overnight at the on-site, 5000+ SF home, the evening before the wedding.
* D(9) – A liquor license has been applied for.
* D(10) – This is not a public event, it is a single, one time private wedding of up to approximately 150 total people. On-site staff will thus handle security.
* D(11) - This is not a public event, it is a single, one time private wedding of up to approximately 150 total people. On-site staff will thus handle noise. A certificate of insurance has been provided covering the property. Relative to financial resources, a contract for the wedding has been provided.
* D(12) – Nolan’s will provide rental of tent, tables, and chairs.

BE IT FURTHER, RESOLVED, that, given the above, the Planning Board hereby approves the application, subject to the following conditions:

* All required Liquor Licensing for the service of alcohol,
* Compliance with any COVID19 requirements of any Federal, State or other agencies with jurisdiction,
* Coordinated review of access and the emergency access plan by the Fire Marshal,
* Outside presence of guests is limited to 8:30am to 11:00pm,
* All temporary structures (such as tents) shall be removed within 48 hours of end of event,
* The Pond Rd. Certificate of Insurance shall have the Town added as an additional insured for the date of the event for the specific dates Thursday, September 9, 2021 through Tuesday, September 14, 2021 and list the specific operation,
* The Pond Rd. Certificate of Insurance shall list applicant, Margaret Fiore, and homeowners on the policy.
* This approval is limited to the single event to occur on Sept. 11, 2021.

**MOTION**

Ms. Smith moved, seconded by Mr. McCourt, for conditional approval of the Resolution of The Special Use Permit relative to the 9/11/2021 Wedding Event at 383 Pond Road.

## ADOPTED

Mr. Rosiek – aye; Mr. DeRue – aye; Mr. Voorhees – aye; Mr. McCourt - aye and Ms. Smith – aye.

**PUBLIC COMMENT**

Mr. and Mrs. Newcomb, residing at 35 Sunset Boulevard, Pittsford, NY, stated they were out-of-town during the Public Hearing and had concerns, because they own the property to the west of 383 Pond Road, Honeoye Falls. They wanted to ensure that this is a one-time event as the Fiores have a website advertising the property as an event center, bed and breakfast, and winery. They do not want character of the neighborhood altered in this way.

**GENERAL DISCUSSION**

The Board discussed the information supplied from neighboring towns, Victor and Pittsford and each’s plan to create subdivisions. The Board also discussed upcoming agendas and rescheduled applicant.

**MOTION**

Mr. McCourt moved, seconded by Mr. Voorhees, to adjourn the meeting at 8:01 PM.

## ADOPTED

Mr. Rosiek – aye; Mr. DeRue – aye; Mr. Voorhees – aye; Mr. McCourt - aye and Ms. Smith – aye.