

Unapproved

March 2, 2022

A Regular Meeting of the Planning Board was held on Wednesday, March 2, 2022 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 PM

PRESENT: Lauren Smith - Chair  
Earl DeRue  
Christopher McCourt  
Charlie Krukowski  
Nicole Sayers

ATTORNEY: Donald Young

TOWN ENGINEERS: Jason Ebbs and Mike Simon, LaBella, PC

OTHERS: Town Councilperson, Tom DuBois; Richard Tiede, Marathon Engineering; Jerry Watkins, Riedman Acquisitions; Jerry Goldman, Woods, Oviatt, Gilman; Kris Matteson, 864 Pittsford Mendon Rd, Pittsford, NY; Jody McCarthy, 830 Mendon Road, Pittsford, NY; Amy McCarthy, 114 N. Main Street, Honeoye Falls, NY; Ellen Rookey, 103 East St., Honeoye Falls, NY; Bob Spiegel, 830 Mendon Road, Pittsford, NY; Peter Carosa, 2 Lantern Lane, Honeoye Falls, NY; Nathaniel Butler, 37 Maplewood Ave, Honeoye Falls, NY; Christy Dryden, 37 Maplewood Ave, Honeoye Falls, NY; Sarita and Tim Arden, 25 Crest Wood Circle, Pittsford, NY; Margaret Fiore, 383 Pond Road, Honeoye Falls, NY.

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7:01 PM

### **MINUTES**

### **MOTION**

Mr. McCourt moved, seconded by Mr. Krukowski to approve the minutes of the January 19, 2022 meeting.

### **ADOPTED**

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

### **MENDON GREEN PLANNED UNIT DEVELOPMENT/PUBLIC HEARING**

Jerry Watkins of Riedman Acquisitions, 45 East Avenue, Rochester, NY 14604 to develop an 87.6-acre parcel into a 30-lot residential subdivision at the intersection of Canfield Road and Pittsford Mendon Road. The Lots are owned by Jerry Watkins, Riedman Acquisitions. Tax account nos. 192.04-1-1.2 and 192.04-1-1.3. Planned Unit Development in an RA5 Zoning District.

## **MOTION**

Mr. DeRue moved, seconded by Mr. Krukowski to open the public hearing at 7:02 pm.

## **MENDON GREEN PLANNED UNIT DEVELOPMENT PUBLIC HEARING**

Jerry Goldman, attorney for Jerry Watkins, asked the Board to consider the new site plan and subdivision. The original application, in approximately 2005, listed 54 lots. Subsequently, they were willing to change the site and thought about increasing lot size, and it was not well received. They offered sanitary and sewer and have an agreement between the Town of Mendon and Town of Pittsford for sewer. The Town of Pittsford reaffirmed the agreement in January, 2022. The proposed Planned Unit Development (PUD), is north of the Thruway and is unique and distinct from others in the Town, but is consistent with the Town's Design Criteria and Comprehensive Plan. They plan housing diversity, encourage more cluster developments and planned unit developments, and has 30 lots that are smaller. They will not cross the creek, and the bulk of it is open space. Their object is to be consistent and be environmentally right and sensitive.

Mr. Tiede approached the Board and explained the entry will be the same as before. The creek is dissecting and the remainder will be on the other side of the creek. The original application was a subdivision with 54 lots, and they are now proposing 30 lots. They have submitted to the Department of Transportation (DOT) for approval. Mr. Tiede stated they have increased the buffer over the previous submission and are including a buffer with Route 64.

Mr. Tiede continued addressing the stormwater and explained it is a low site and will have a typical stormwater and pond. They are staying away from the Environmental Protection Overlay Districts (EPODS). The trail leads to open space. The open space is intended to be given to the Mendon Foundation to preserve and protect. The thirty lots fit into the EPODs better than the 54-lot proposal that had caused disturbance. The woodlot EPOD was problematic. The exiting barn and stable have been abandoned, and the wood EPODs in the back corner need to be delineated.

Jerry Goldman addressed the review of the Environmental Conservation Board (EBC) and said they were pleased with its comments as well as the comments from LaBella Engineers and the Code Enforcement Officer, Corey Gates. Mr. Goldman said they can comply with all but two in the Design Criteria. One is the distance from the nearest intersection needs to be 50 feet on Route 64. They advised they need relief from the DOT. The jurisdiction of New York DOT requests an extra level of access on Route 64 and they are requesting the Town to offer relief.

Mr. Goldman stated the cul-de-sac is slightly over the 1000', but there is a buffer in front which is necessitating a longer road. He stated the Town can give a waiver from the Planning Board for those two points. He also said they are back to the preliminary phase with changes to the previous plan brought to the Planning Board. They feel they are consistent with the Comprehensive Plan. He said the next step is the Town Board, who was the lead agency with SEQR, to make sure they are consistent with their findings. He said they are aware there will not be a decision tonight, but they are hoping to make the determination to the Town Board with SEQR and come back to the Planning Board for formal approval.

Mr. DeRue asked about the maintenance with the Town of Pittsford and who does the testing. Mr. Watkins and Mr. Goldman said they believe it will be the Town of Pittsford.

Mr. DeRue asked who is installing and inspecting the sewer. Mr. Tiede said the Town of Pittsford agreed to do both. Mr. Young advised that the agreement with the Town of Pittsford and Town of Mendon says the Town of Pittsford will install and maintain it.

Mr. Krukowski said there are lots above the retention area and asked if it will be elevated for standing water. Mr. Tiede said it will be filled and raised.

Mr. Krukowski asked if there are three EPODS and the limit of construction on the EPODS. Mr. Tiede said the plan with the wetlands is to stay out. Mr. Krukowski asked if all the EPODS are delineated, and Mr. Tiede said yes.

Ms. Smith asked if there would be public access to the trail system or is it only for residents of the subdivision. Mr. Tiede replied if it is run by the Mendon Foundation it will be public.

Mr. McCourt asked about parking. Mr. Tiede replied the parking and open space are different.

Ms. Sayers inquired about the buffer and if it will block the neighborhood. Mr. Tiede illustrated the buffer on the map, and said it is a six percent grade to high point and it drops to eight percent on the low point.

Mr. DeRue asked if there will be dedicated access to the trail from the houses. Mr. Tiede replied that is their intent.

Mr. Young inquired about the easement, and Mr. Tiede said it is in the right of way.

Ms. Smith inquired about the percent of the property used for development. The plans show 15% being developed, but they are disturbing greater than that. It appears to be disturbing 15 acres.

Mr. DeRue asked out parking access. Mr. Tiede and Mr. Watkins said it will not be that far.

Mr. Young confirmed 80% of the land will be undeveloped and worked with Mendon Conservation. The applicant said yes.

Mr. McCourt asked if they talked to the Mendon Foundation about taking over. Mr. Watkins said they had. Mr. McCourt asked if it involved Drew Saunar.

Mr. Krukowski said CEO, Corey Gates, pointed out about the lot size and access and the response from Marathon seemed vague. The accessory buildings are small as required to keep the percentage of lot coverage within confines. What is the proposal? Mr. Tiede said it will be in the PUD code. There will be some restrictions with sheds and will create definitive criteria.

Mr. Krukowski stated it needs to be spelled out.

Ms. Smith stated there is an indication of a small accessory structure and above ground pools. Are inground pools not required? The applicant said they will have restrictions and are leaning towards inground pools.

Ms. Smith asked the Town's engineer firm, LaBella PC to comment.

Mr. Simon stated they talked to the Town of Pittsford's engineer regarding the sanitation and installation. The applicant has responded to comments and adhered to the Design Criteria. The Board does have the ability to approve the road length.

Mr. Ebbs asked who is maintaining the storm water pond. The applicant replied they want the Town to maintain it, and they will recoup the cost for the Town from their customer.

### **PUBLIC COMMENT**

Sarita and Tim Arden, 25 Crest Wood Circle, Pittsford, NY 14534, said their property backs up to the proposed site. They have questions on the lot size and about sheds and pools. They have standing water in their yard, and they are worried about who maintains the pond. They asked how far are the lots from Pittsford. Their Town Code does not allow sheds and pools. Their community has been established for 20 years and even though the proposal is in Mendon, Pittsford is their neighbor.

Bob Spiegel, 830 Mendon Road, Pittsford, NY 14534 said it is too bad they cannot ask questions. He asked for the date of the Town of Pittsford's agreement for the sewer. Mr. Young replied January, 2022. Mr. Spiegel continued saying the project cannot proceed without the Town of Pittsford. He is worried about the increase in traffic and the load on the sewer. He is not at all for it.

Jody McCarthy, 830 Mendon Road, Pittsford, NY 14534, can see what water can do to her property. Her property is graded down to the road. Are they doing the same at Mendon Green? She said Route 64 is a big hill, and she is worried about the water. She said the farmer, Silco, would often get his tractor stuck there. She said it is worse with how it is graded.

Mr. Young advised the public that during public comment, they are allowed to ask questions, and the Board will direct the questions to the applicant, as the public is not allowed to have a back-and-forth with the Board or the applicants.

Ms. McCarthy asked when is New York State DOT seeing the Henderson tract. There is difficulty and the DOT does not care about traffic. She wants to know if it will be 55 mph.

Kris Matteson, 864 Pittsford Mendon Road, Pittsford, NY 14534, said she is 20 years into the project, and she is the only one who lives in Mendon who is impacted. She said she is most impacted, but she is in favor of the subdivision. It brings tax revenue and stops the vandalism. There are neighbors that are encroaching on the property, and that stops as well as the hunting and gutted animals and drug parties. She said there are youngsters who dug holes in the land and

this subdivision goes back to what it should be: an area for the Town, and it is beautiful there. She said she supports it wholeheartedly, and she is the one most impacted and supports it.

Ms. Arden asked to speak again. She said the woman who spoke misrepresented the land there. She said her house looks on the field, and it is beautiful. She can see people there, but she did not think they were trespassing. She said it could have been the developer. She said there are no drugs or hunters there. Ms. Arden said she did not know where Ms. Matteson gets it. It is just silly. She said it is nice there, and she is concerned about the environmental impact on the neighborhood and the houses there. There are legitimate concerns.

Mr. Spieger asked when the Mendon Fire District would look at this. He was informed the Code Enforcement Officer is also the Fire Marshall, and he has reviewed and commented on the plans. Mr. Spieger said there are not enough volunteers, and there are too many issues. Is Pittsford going to pump the water and put the fires out? What do they get out of it? He said Bud Smith is on his phone call list.

Ellen Rookey said no one is gutting deer. There are no kids, and she thinks that the water and traffic will be dangerous. What are the sizes of the lots and square footage of homes? She asked if there was a time for the public to have a back and forth.

### **MOTION**

Mr. DeRue moved, seconded by Ms. Sayers to close the Public Hearing at 7:48 pm.

### **ADOPTED**

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

Mr. Young asked for the Developer to address any of the comments and concerns. Questions that have not been answered yet regard the traffic and drainage as well as size of the lots and houses.

Mr. Goldman said the DOT is part of the distribution to the Monroe County Planning and Development, and they also get a copy of the plans. The DOT has the jurisdiction to curb cuts and analysis that is necessary. They are waiting for an answer from them, but they feel they are in good shape. The Town has confidence with LaBella as the Developer has confidence with Marathon.

Mr. Tiede stated the driveway permit to the DOT is added to the plans. It is in their review process. The stormwater and traffic will require more analysis. They have made the initial submissions to the DOT for traffic, utilities, and entryway permit, which is more thorough and requires three phases.

Mr. Tiede said the lot sizes are approximately .23 acres and the houses will range from 1700 to the 3000s sq ft. He said they are taking a lot of the drainage that went to the Town of Pittsford, and it will now go to the pond.

Ms. Sayers inquired if the proposed homes will be two-story or ranches. The developer said there will be both, as they are finding a lot of empty nesters in a lot of their projects.

Ms. Smith asked if the Board or Mr. Young had any other comments. She said they will be moving it along to the Mendon Town Board.

Mr. Young stated it is a multi-step process. For reference, this has been rezoned. They are considering if the extent of the application is in-line with the Planning Board. He said there is discussion that the Planning Board needs to consider the PUD. He said this is a scaled-down compared to the previous application. Mr. Young advised it needs to go back to the Town Board for review of the SEQR, and the Town Board's consent is needed to move forward.

Mr. Young reviewed the determination with the Board.

TOWN OF MENDON PLANNING BOARD DETERMINATION OF CONSISTENCY WITH INTENT OF PUD REGULATIONS FOR THE MENDON GREEN SUBDIVISION REVISED PROPOSAL

WHEREAS, Riedman Acquisitions, LLC (the "Applicant"), has made application to the Town of Mendon for site plan / subdivision approval relative to the proposal commonly known and referred to as "Mendon Green Subdivision" (the "Project"); and

WHEREAS, the Project received PUD rezoning in 2004 and preliminary approval in 2005, all associated with a 54-lot subdivision (the "Original Proposal"); and

WHEREAS, an agreement was entered into with the Town of Pittsford relative to the provision of sewer service to the Project, which agreement was confirmed by the Town of Pittsford in a January 22, 2022 letter as currently being in full force and effect; and

WHEREAS, the Applicant has now revised the Project to comprise a 30-lot subdivision (the "Revised Proposal"); and

WHEREAS, the current Revised Proposal represents a modification to the Original Proposal, requiring the Planning Board to consider whether said Revised Proposal is still in keeping with the intent of the Town's PUD regulations pursuant to the Town Code at Section 260-16.1[G]; and

WHEREAS, the Planning Board has examined the current Revised Proposal for consistency with intent of the Town's PUD regulations.

NOW, THEREFORE, BE IT RESOLVED, that, in relation to maintaining consistency with the intent of the Town's PUD regulations, the Planning Board hereby finds as follows:

- a. Relative to housing types and choice, the Revised Proposal offers new residential housing within the Town, providing additional housing options in Town, which is especially important given the lack of housing supply in the area.

b. Relative to open space, the 87.5-acre parcel comprises 13.2 acres of developed area for the Revised Proposal, and 74.3 acres of open space (85% of the parcel), representing a significant amount of open space consistent with the PUD intent.

c. Relative to convenience in location, the Revised Proposal is in the same location as the Original Proposal, being connected to public roadways with access throughout the Town and into the surrounding County.

d. Relative to preservation of natural topography, etc., the proposal preserves 74.3 acres of open space / green space, representing preservation of 85% of the land as open /green space.

Moreover, the Environmental Conservation Board has issued a positive report relative to the Revised Proposal.

e. Relative to the creative use of the land and physical development, like the Original Proposal, the Revised Proposal allows the clustering of lots to permit the preservation of a significant amount of contiguous open space.

f. Relative to the efficient use of land, including smaller networks of utilities and streets, by utilizing the PUD regulations the Revised Proposal is able to achieve a significantly smaller footprint by clustering housing closer together on smaller lots, resulting in development on only 15% of the lands, and resulting in significantly less utilities, streets, etc., including realizing even more efficiency than the Original Proposal.

g. Relative to harmony with the Comprehensive Plan, a “Key Relevant Recommendation” of said Plan is to “preserve green space, open space, and agriculture.” The Revised Proposal meets this recommendation by preserving 85% of the lands as contiguous open space / green space. Moreover, page 98 of the Comprehensive Plan calls for housing diversity and use of the PUD.

h. Relative to the desirability of the environment, the Revised Proposal, as opposed to traditional zoning, permits open space to be significant and contiguous, as well as results in significantly less paved roadway. Moreover, the Environmental Conservation Board has issued a positive report relative to the Revised Proposal; and, be it further

RESOLVED, that the Planning Board hereby finds and determines, for all the reasons set forth herein, including in comparison to the Original Proposal, that the Revised Proposal is generally in keeping with the intent of the Town’s PUD regulations; and, be it further

RESOLVED, that this Resolution be referred to the Town Board, seeking consent of the Town Board such that the Planning Board may consider preliminary site plan / subdivision approval for the Revised Proposal.

Ms. Smith advised the applicants that it is referred to the Town Board, and they will be giving direction.

**MOTION**

Mr. DeRue moved, seconded by Mr. McCourt, to approve the resolution.

**ADOPTED**

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

**GENERAL DISCUSSION**

The Board discussed their upcoming meetings.

**MOTION**

Mr. McCourt moved, seconded by Mr. Krukowski to adjourn the meeting at 8:06 PM.

**ADOPTED**

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