

A Regular Meeting of the Planning Board was held on Wednesday, December 7, 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 Councilperson, Brent Rosiek; Jim Connolly, 11 Mill Road, Mendon; Sharon Hurley, 10 Victor-Mendon Road, Mendon; Angela Hollick, 15 Hiram Way, Honeoye Falls; Christine Brush, 16 Mendon-Ionia Road, Mendon; Jeff Clark, Attorney for the Stotts; Others on Zoom.

Minutes were taken by Katrina Allen

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

The Planning Board and its attorney left for an attorney/client privileged meeting at 7:02 pm.

The Planning Board returned at 7:14 pm.

MINUTES

MOTION

Mr. Krukowski moved, seconded by Ms. Sayers to approve the minutes of the November 16, 2022 meeting.

ADOPTED

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

STOTT SPECIAL USE PERMIT PUBLIC HEARING

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.

Ms. Smith invited the Stotts to the table.

Ms. Stott said they are in the process of closing on the actual property and want to reopen the pizzeria under the name “Bumpas.” They plan to open in the spring. Ms. Stott said the Monroe County Department of Health (MCDH) is happy with the plan they submitted to the Planning Board. They are keeping the equipment the same as was used for Clemenza’s.

Ms. Smith opened the Public Hearing at 7:22 pm.

PUBLIC COMMENT

Ms. Smith stated the Board will keep the Public Hearing open.

Mr. Connolly said his property is adjacent to the proposed pizzeria. He is not sure why the Stotts need to go through the Special Use Permit. He is glad to have the pizzeria. He explained he owned Mendon Pet Supply and is changing it to a single-family home. Mr. Connolly talked to the Stotts, and he does not expect them to pay for this, but he will be putting in a privacy fence along the property line. He will put bollards up as well.

Ms. Hurley said she lives across the creek from the pizza shop. She gave the history of her property. Ms. Hurley said she does not know what the Town has against businesses. She has not heard one neighbor complain about what the Stotts are doing there.

Ms. Hollick said she does know why they need a Special Use Permit. It is a business and they are in the business district. She said she does not know if other restaurants needed a Special Use Permit. Ms. Hollick commended Ms. Stott's other businesses.

Ms. Brush said she owns the Mendon Academy, and empty store fronts look bad for the Town. She asked if any of the Planning Board owns any businesses in Mendon. Mr. Stott asked if they were brick and mortar. Ms. Brush asked when the Planning Board terms are up.

Mr. Young stated the Board is here only for the pizzeria application, and it is a public hearing to that specific application, only.

Ms. Smith stated the Town is not anti-businesses. The Board is not stating someone cannot do something, because the members are trying to be difficult. The Planning Board must adhere to the Town Code as the Town Code is written now. If anyone reads the Town Code and disagrees with it, anyone is welcome to petition the Town Board to change it. If the Town Board sees it fit, it may be changed. However, the Planning Board must follow what the Code is now.

Mr. DeRue said he needs to see the loading of the septic system. Ms. Stott asked what that is. Mr. DeRue said it needs to hold a dump truck parking on it without collapsing the system. He said that will be in the specifications and documentation. Ms. Stott said Mr. Yodice did not have specifications.

Mr. Stott said the septic is not under the parking; it is to the side. Ms. Stott said it is under the parking. Mr. Stott said their biggest argument with this is they are taking over a business within a year's time and continue on with every permit and approval he already had.

Mr. Young stated the Stotts are there making an application to the Board, and that is why they are here. Ms. Stott said Mr. Yodice did the septic himself. He went to Lakeland Concrete and ordered the supplies. There are no specs. He got the tanks from Lakeland and they are weight bearing.

Mr. DeRue said Lakeland has the specs. Ms. Stott was not sure.

Mr. Young said he has a solution. They can defer to the Building Inspector, Corey Gates, and make sure there are no issues in that regard. Ms. Stott said Mr. Gates liked the system when Mr. Yodice put it in, and he likes Ms. Stott's pictures and flow chart.

Mr. Stott said the septic system was all approved when it was put in. Mr. Krukowski asked if it was inspected, and Mr. Stott said someone from the Town came and did it, and it was Mr. Gates.

The applicants said they have never had to do this with their other restaurants. They want to get moving on opening, so they do not lose their staff.

Ms. Smith said the applicants do not have a site plan that is to code. It was sent to them by the Planning Board secretary.

The Stott's attorney, Mr. Clark, said he is familiar with what is required for a site plan and will assist the Stotts.

Ms. Winship stated it must be to scale and clear. The layout is helpful, but it is not to scale. It is important to know if the dumpster can be emptied and make a turn radius. Since it is not to scale, it is not clear.

The Board advised the applicants an updated site plan to scale as well as all the Code Enforcement Officer's comments to be thoroughly addressed and all the information must be delivered to the Town by Wednesday, December 14th, to have the applicants reappear at the December 21, 2022 Planning Board meeting. The applicant understood and thanked the Board.

The Public Hearing will remain open.

GILES SITE PLAN

Kevin Giles, 285 Dale Road, Rochester NY, for site plan reapproval for property located on Mendon Ionia Road, consisting of 39.9 acres, to construct a single-family home. Tax account no. 223.02-1-8.112, zoned RA-1.

Mr. Giles advised he is asking for reapproval of an existing site plan application. He was approved in 2019, and he did not build and the approval expired. He is not making any changes to the original site plan.

Mr. Simon advised he has no comments or concerns regarding this application. It is a Type II State Environmental Quality Review (SEQR).

Mr. DeRue advised the applicant he may need to add asphalt to the driveway and get in touch with the Building Inspector, Mr. Gates.

Ms. Winship stated the map has New York State Route 65, but should be New York State Route 64.

Conditions:

- 1) Correct the road to New York State 64.
- 2) Confirm with the Building Inspector regarding asphalt.

MOTION

Mr. DeRue moved, seconded by Mr. Krukowski to approve the Giles Site Plan with conditions.

ADOPTED

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

HAHS SITE PLAN

Justin and Ashley Hahs, 18 Iverness Circle, Fairport, for site plan approval for property located on Cole Road, consisting of 10.046 acres, to construct a single-family home. Tax account no. 192.04-1-14.1, zoned RA-5.

Glenn Thornton, Thornton Engineering, approached the Board with the applicant and builder.

Mr. Thornton said they are code complaint and there is no variance. They have addressed the comments and concerns from Labella and the Code Enforcement Officer.

The driveway and septic were discussed.

Ms. Winship recommended having spot elevation, as it would be helpful but not a condition.

Mr. Simon said he has received all the comments back and it is a Type II under SEQR.

Increasing the size of the silt fence was discussed.

Conditions:

- 1) Adhere to LaBella’s comments
- 2) Adhere to the Code Enforcement Officer’s comments.

MOTION

Ms. Winship moved, seconded by Ms. Sayers to give preliminary and final approval of the Hahs Site Plan with conditions.

ADOPTED

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

GENERAL DISCUSSION

The Board discussed their upcoming meetings.

MOTION

Mr. DeRue moved, seconded by Ms. Winship to close the meeting at 8:06 pm.

ADOPTED

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