

Unapproved

August 16, 2023

A Regular Meeting of the Planning Board was held on Wednesday, August 16, 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

OTHERS: Town Councilperson, Brent Rosiek; Members of the McWilliams family.

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7:00 PM

**MINUTES**

**MOTION**

Mr. DeRue moved, seconded by Ms. Sayers to approve the minutes of the August 2, 2023 Planning Board meeting.

**ADOPTED**

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

**MILLER SUBDIVISION AND SITE PLAN PUBLIC HEARING**

Jack Miller, 221 South Wilmarth Road, Pittsford, NY 14534 for a one-lot subdivision on property located on Pittsford Mendon Road, Pittsford, NY, consisting 31.7 acres and subdividing, one six-acre parcel for one single-family residence and has submitted a proposed site plan for approval. Tax account no. 205.01-1-7.1. Zoned RA-5.

Jack Miller and Glenn Thornton of Thornton Engineering were welcomed to the table.

Mr. Thornton said Mr. Miller wants to subdivide a six-acre parcel on family-owned land, and build a three-bedroom single-family home. He has addressed all the comments, and the major comment was from the Code Enforcement Officer (CEO), Corey Gates, regarding the turn-around and pull off for emergency vehicles, and that has been added. Mr. Thornton said he will speak with the CEO regarding his comments for fire suppression. He wants to avoid sprinklers, but they will do whatever the CEO recommends.

Ms. Smith stated addressing the CEO's concerns regarding fire suppression will be a condition.

Mr. Thornton said they have communicated with the Department of Transportation (DOT) regarding the driveway permit, and Monroe County Department of Health (MCDOH).

Ms. Winship stated they did a good job on responding to the comments. She asked in the project information list if the lot size came from the Town Code, and Mr. Thornton said it did. Ms. Winship said to list a column of what is being proposed. Mr. Thornton understood.

Mr. DeRue asked if the proposed pond is for a dry hydrant, and he and Mr. Thornton discussed it.

Mr. Young stated the State Environmental Quality Review (SEQR) is an Unlisted Action.

Ms. Smith opened the Public Hearing at 7:11

### **PUBLIC COMMENT**

Terry Kessler, 1025 Pittsford Mendon Road, said he is concerned of the land having more houses built, as he likes to shoot his guns, and will not have the 500-foot minimum if other houses are built on the Miller property. He wants the Town to ensure future development will not impede his shooting. He wants to know if Mendon is ever going to change its policy on guns.

### **MOTION**

Ms. Winship moved, seconded by Mr. DeRue to close the public hearing.

### **ADOPTED**

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

Ms. Smith read the determination.

### **Resolution Approving Subdivision and Site Plan for Property at Pittsford Mendon Rd., Tax Account No. 205.01-1-7.1**

WHEREAS, an application was received from Thornton Engineering on behalf of Jack and Gary Miller (the “Applicant”) relative to a parcel at Pittsford Mendon Road (Tax Map No. 205.01-1-7.1), at or about 1,201 ft south of Cole Rd., which parcel is approximately 31.7 acres in size (the “Property”), for preliminary and final subdivision of such Property to subdivided it into two lots, such that a 6.0 acre parcel (the “Residential Lot”) is subdivided and created out of the 31.7 +/- acre parent parcel, with the remaining 25.7 +/- of acreage to remain in the parent parcel (the remaining “Parent Lot”), all in accord with a subdivision map entitled “Miller Subdivision” drawn by Maier Land Surveying, Richard E. Maier, last dated November 14, 2022 (the “Subdivision Map”); and

WHEREAS, the application also seeks preliminary and final site plan approval at the Parent Lot for the construction of a single-family home there, all in accord with a site plan map entitled “Miller Residence” drawn by Thornton Engineering, LLP, and last dated July 2023 (the “Site Plan”) (said site plan and subdivision applications collectively referred to herein as the “Application”), with the Parent Lot remaining vacant and undeveloped; and

WHEREAS, the Planning Board has reviewed the Application and considered the same pursuant to the Town of Mendon Code; and

WHEREAS, the application is an Unlisted Action pursuant to SEQR.

NOW, THEREFORE, BE IT, RESOLVED, that the Planning Board hereby approves the attached Parts 2 and 3 of the EAF, and issues a Negative Declaration relative to the Application; and

BE IT FURTHER, RESOLVED, that Preliminary and Final Subdivision approval relative to the Application, all in accord with the Subdivision Map, is hereby granted, subject to the conditions set forth herein; and,

BE IT FURTHER, RESOLVED, that Site Plan approval relative to the Application, all in accord with the Site Plan, is hereby granted, subject to the conditions set forth herein; and

BE IT FURTHER, RESOLVED, that said approvals are subject to the following conditions:

1. That prior to issuance of a Certificate of Occupancy, the proposed 40-foot-wide access easement to Lot 2 shall be recorded, and proof of recording provided to the Town.
2. That prior to issuance of a Certificate of Occupancy, comment #5 of the Code Enforcement Officer, issued pursuant to letter dated August 5, 2023, be addressed to the Code Enforcement Officer's satisfaction.
3. That any approvals/permitting required by the Dept. of Health be obtained.
4. That prior to signature by the Town Planning Board Chairperson, the Plan shall be updated to show proposed zoning dimensions.

**MOTION**

Mr. DeRue moved, seconded by Ms. Sayers to give preliminary and final approval for the Miller Subdivision and Site Plan.

**ADOPTED**

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

**McWILLIAMS SUBDIVISION SKETCH PLAN PREAPPLICATION MEETING**

Daniel McWilliams, 130 Wildwood Drive, Granville, OH 43023 for a preapplication meeting with the Planning Board to discuss dividing 30 acres into a 20 and a 10-acre parcel on property located at 721 Mile Square Road, Pittsford. The 10 acres will have a single-family home built in the near future, while the 20 acres will remain vacant with the possibility of subdividing into 5-acre lots. Tax account no. 192.04-1-7. Zoned RA-5.

Ms. Smith welcomed Mr. McWilliams and his Engineer, Al LaRue of McMahan LaRue, to the table.

Mr. McWilliams gave the background to his family's property.

Mr. LaRue explained the parcel sizes, proposed future driveway, and the right-of-way proposed to access a lot.

Mr. McWilliams discussed the spring and pond on the lot.

Ms. Winship asked if there was public water, and Mr. McWilliams said yes.

Mr. Young asked about the spring that will be on the 20-acre parcel, and if it no longer feeds to the property. Mr. McWilliams said the pipe was disconnected.

Ms. Winship asked who will maintain the pond. Mr. McWilliams said that is up to the buyer of that property.

Mr. McWilliams discussed the red brick school house on the property. Ms. Winship asked if the building is on any historic registries, and Mr. McWilliams said, no, as they were not interested in doing that.

Mr. McWilliams said Mike Silco is farming the property, and discussed the wetlands and agricultural district.

Ms. Smith stated when they come back with the formal subdivision and site plan, to address the Environmental Overlay Protection Districts (EPODS). Mr. LaRue said they are only doing the subdivision now, and he has the EPOD information.

Mr. Young asked if there was no firm plan in place for Lot 3, and Mr. LaRue said yes. They have the outside boundaries mapped and will do a perc test later.

Ms. Smith asked if the Board had any other comments or questions. There were none.

### **KAILBOURNE SITE PLAN**

Troy Kailbourne, 289 Boughton Hill Road, Honeoye Falls, to construct a +/- 5,700 square-foot home with an attached three car garage on property located on Cheese Factory Road. Tax account no. 222.02-14-24. Zoned RA-5.

Ms. Smith welcomed Mr. Kailbourne and his Engineer, Mason Everhart of DDS, to the table.

Mr. Everhart stated they are working on getting all the proper permits, and there will be a private wastewater and public water.

Ms. Smith said the comments from the CEO were addressed, as well as the Engineer comments. She asked about the septic being farther down and if there is a reason for it. Mr. Everhart said it is to feed into the gravity system, and with the perc testing, the location made sense. Ms. Smith asked if there was a planned pole barn or pool, and Mr. Kailbourne said no.

Mr. Krukowski asked about the distance from the centerline of the Irondequoit Creek tributary. Mr. Everhart said they are over the 500-foot buffer required for wetlands and are far enough from the tributary as well.

Ms. Winship asked if there is a walk-out basement or window wells. She stated if it is window wells, they will not need to modify the grade.

Ms. Winship stated they need to note the house is three-feet above surrounding grade and the maximum height for the house is 35-feet. Mr. Everhart understood.

Ms. Winship said there is no mention of a basement, and if they can call out the slab elevations, so they know how many courses it is.

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

Ms. Smith asked Mr. Young about SEQR. Mr. Young stated it is Type II and will require no review.

Ms. Smith read the determination with Ms. Winship's comments added.

**Resolution Approving Site Plan for Property at Cheese Factory Rd., Tax Account No. 222.02-1-24**

WHEREAS, an application was received from The DDS Companies on behalf of Troy Kailbourne (the “Applicant”) relative to a parcel at Cheese Factory Rd. (Tax Map No. 222.02-1-24), which parcel is approximately 76.6 acres in size (the “Property”), seeking preliminary and final site plan approval at the Property for the construction of a single family home there, all in accord with a site plan map entitled “Kailbourne Site Plan” drawn by The DDS Companies, and last dated June 28, 2023 (the “Site Plan”) (the “Application”); and

WHEREAS, the Planning Board has reviewed the Application and considered the same pursuant to the Town of Mendon Code; and

WHEREAS, the application is Type II Action pursuant to SEQR, not requiring further review.

NOW, THEREFORE, BE IT, RESOLVED, that Site Plan approval relative to the Application, all in accord with the Site Plan, is hereby granted, subject to the conditions set forth herein; and

BE IT FURTHER, RESOLVED, that an EPOD Permit for the Development in EPOD #9 is hereby issued, all for the septic system leach field and associated erosion control, and all as depicted on the Site Plan, given that the septic system does not encroach on the 100’ buffer of the NYSDEC wetland boundary and is subject to review of the MCDOH; and

BE IT FURTHER, RESOLVED, that said approvals are subject to the following conditions:

1. That prior to issuance of a Certificate of Occupancy, comment #5 of the Code Enforcement Officer, issued pursuant to letter dated August 5, 2023, be addressed to the Code Enforcement Officer’s satisfaction.
2. That any approvals/permitting required by the Dept. of Health be obtained, including relative to the proposed septic system.
3. Prior to signature on the Plan by the Planning Board Chair, update the Plan notes pursuant to the comments of the Planning Board.

**MOTION**

Ms. Sayers moved, seconded by Mr. Krukowski to give preliminary and final approval for the Kailbourne Site Plan.

**ADOPTED**

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

**THE HAVEN AT WESTMINSTER SHORT-TERM RENTAL PLANNING BOARD REVIEW**

Angela Hollick of ASE Havens, LLC, 3886 Rush Mendon Road, Mendon, NY for property located at 3880 Rush Mendon Road, Mendon, NY, consisting of .33 acres, for a short-term rental within two units having up to eighteen (18) overnight guests. Tax account no. 216.07-1-1. Zoned Business District.

Ms. Smith invited Ms. Hollick to the table.

Ms. Smith stated Ms. Hollick is applying for a Short-term Rental next door to Westminster. She has gone before the Zoning Board of Appeals to have up to 18 overnight guests. There was some confusion on if

there are two rentable units – one upstairs and one downstairs – and is Ms. Hollick looking to turn the property into a duplex. Ms. Hollick stated no, she is not creating a duplex. She is offering what her wedding guests need, but for those who are renting for family visiting, etc., she would only rent the downstairs.

Ms. Smith asked if there are four bedrooms upstairs. Ms. Hollick said yes. Ms. Smith asked if it always had four bedrooms or did Ms. Hollick create any. Ms. Hollick said she did not create any bedrooms.

Mr. Krukowski stated he thinks this is a wonderful idea.

Ms. Smith stated the new Short-term Rental Code has a maximum of eight overnight guests, but the Zoning Board gave her up to 18 guests. Ms. Smith stated the Planning Board can give a formal letter to the Town Board with its concerns.

Ms. Sayers asked how many bedrooms are in the building. Ms. Hollick stated there are three downstairs with a kitchen and four upstairs. There are three bathrooms downstairs and two bathrooms upstairs.

Mr. Krukowski stated the outside looks good, but there is moss on the roof, and is Ms. Hollick thinking of opening the front. Ms. Hollick said she is looking at the trees.

Ms. Smith stated on the Monroe County website, the property is listed as a four-bedroom, two-bathroom home. Ms. Smith asked if had always been seven-bedrooms. Ms. Hollick said yes, as far as she knows.

Ms. Winship said it is a good idea to merge the two businesses. Ms. Hollick said before, she would need to send her wedding guests to Victor for gas, food, and lodging. Now they can stay in the hamlet and support businesses like Mendon 64 and the Cottage.

The parking and covered refuse was discussed.

Ms. Smith asked if there would be any additional lighting, and Ms. Hollick said no.

Ms. Winship asked if the exits were illuminated, and Ms. Hollick said they are.

Ms. Winship asked about the evacuation procedures. Ms. Hollick said she has them listed on the back of every bedroom door.

Ms. Winship said the site plan is hard to read. In every bedroom, there needs to be a bold arrow showing the evacuation route.

Ms. Winship asked if the building is Americans with Disability Act (ADA) compliant. Ms. Hollick said the building used to be a hospice, so the ramp is already in place, and there are French doors to a bedroom and bathroom.

Ms. Smith stated the Planning Board sends a letter to the Town Board. The verbiage was discussed for the Planning Board Secretary to draft the letter to the Town Board. Th Planning Board unanimously gave a favorable recommendation as long as it is Code compliant.

## **GENERAL DISCUSSION**

The Board discussed the upcoming meetings. The September 5, 2023 meeting is canceled.

September 20, 2023 will have an informal discussion for a cluster development and a pole barn forward of the home that needs site plan review.

**MOTION**

Ms. Sayers moved, seconded by Mr. Krukowski to adjourn the meeting at 8:05 pm.

**ADOPTED**

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