

Unapproved

October 18, 2023

A Regular Meeting of the Planning Board was held on Wednesday, October 18, 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

ABSENT: Teresa Winship

ATTORNEY: Donald Young

TOWN ENGINEER: Mike Simon, LaBella PC.

OTHERS: Town Supervisor, John Moffitt; five residents.

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7:00 PM

**MINUTES**

**MOTION**

Mr. Krukowski moved, seconded by Mr. DeRue to approve the minutes of the October 4, 2023 Planning Board meeting, as amended.

**ADOPTED**

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

**BATTERSON SUBDIVISION AND SITE PLANS, PHASE III PUBLIC HEARING**

Scott Batterson, 28 Wood Run Commons, Rochester, NY, for a five-lot subdivision on property located on the corner of Mile Square Road and Taylor Road, Mendon, NY, consisting of 76.82 acres. Tax account no. 217.03-1-1.12. Zoned RA-1.

Ms. Smith opened the Public Hearing at 7:02 pm.

**PUBLIC COMMENT**

None

**MOTION**

Mr. Krukowski moved, seconded by Ms. Sayers to close the Batterson Subdivision and Site Plans, Phase III Public Hearing.

**ADOPTED**

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

**BATTERSON SUBDIVISION AND BATTLE SITE PLANS PUBLIC HEARING**

Battle Construction, 10 Assembly Drive, Mendon, for a three-lot subdivision and site plans on two of the lots utilizing a total of 2.68 acres of property located on Taylor Road, Mendon, NY owned by Scott Batterson, 28 Wood Run Commons, Rochester, NY. Tax account no. 217.03-1-1.12. Zoned RA-1.

Ms. Smith opened the Public Hearing at 7:04 pm. \_

**PUBLIC COMMENT**

None

**MOTION**

Ms. Sayers moved, seconded by Mr. Krukowski to close the Batterson Subdivision and Battle Site Plan Public Hearing at 7:04.

**ADOPTED**

Ms. Smith – aye; Mr. DeRue – aye; and Mr. Krukowski – aye; and Ms. Sayers – aye.  
Ms. Smith gave the history of the applications.

Mr. Young said this is Type I under State Environmental Quality Review (SEQR). The Town of Mendon Planning Board was lead agency.

Al LaRue of LaRue McMahon Engineering, representing Scott Batterson, and Glenn Thornton of Thornton Engineering, representing the Battles and Nick Coglitore of Ridgecrest Properties, had no additional information for the Board.

Ms. Smith asked the Board if they had any questions or comments regarding Phase III.

Mr. DeRue stated the drawings list the watermain extension. Mr. Young stated the resolution lists the watermain.

Mr. DeRue asked if a letter of credit will be required, and Mr. Young said yes, it will be and is stated in the resolution.

Mr. DeRue stated the drawings do not show a T for the watermain. Mr. LaRue said he will add it.

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

**RIDGECREST SITE PLAN**

Nicholas Coglitore of Ridgecrest Development, PO Box 2645, Rochester, NY for a site plan on property to be 1.033 acres located on Taylor Road, Mendon, NY, owned by Scott Batterson, 28 Wood Run Commons, Rochester, NY. Tax account no.217.03-1-1.12. Zoned RA-1.

Ms. Smith asked the Board if there were any questions or comments.

Mr. DeRue asked if they considered running the watermain to the other lots. Mr. Thornton said it depends on Mr. Batterson getting it to the corner.

Mr. Simon advised a 20-foot easement should be added to all the lots for conformity for water and utilities.

Mr. Simon reviewed the SEQR report.

Mr. Young reviewed the resolution which encompassed all three applications.

**Resolution of the Mendon, NY Planning Board Approving Subdivision Application(s) and  
Site Plan Applications for Property at the Intersection of Taylor Rd. and Mile Square Rd.  
at Tax Map No. 217.03-1-1.12**

WHEREAS, on or about August 1, 2022, an application was received from Scott Batterson relative to the parcel he owns at the intersection of Taylor Rd. and Mile Square Rd., Tax Map No. 217.03-1-1.12, which parcel is approximately 77 acres in size (the "Property"), seeking preliminary and final subdivision of such Property, all to create three additional residential parcels ranging in size from approximately 1 acre to approximately 1.34 acres (and shown as Lots 3, 4 and 5), all in accord with a proposed subdivision map entitled "Batterson Subdivision, Phase II," drawn by Maier Land Surveying, and last dated July 31, 2022 (the "Phase II Subdivision Plat") (the "Phase 2 Subdivision Application"); and

WHEREAS, on or about August 1, 2022, an application was received from Battle Construction and Development, by Stephen M. Battle, on behalf of Scott Batterson as owner of the Property, seeking approval of two residential site plans at the Property for the lots to be known as Lots 3 and 4 of the Phase 2 Subdivision, all in accord with a site plan map entitled "Battle Residential Site Plan," last dated September 6, 2022, and drawn by Thornton Engineering (the "Battle Site Plans" for Lots 3 and 4) (the "Battle Site Plan Application"); and

WHEREAS, on or about August 31, 2022, an application was received from Thornton Engineering on behalf of Ridgecrest Development, LLC, as developer, and Scott Batterson, as owner of the Property, seeking approval of a residential site plan at the Property for the lot to be known as Lot 5 of the Phase 2 Subdivision, all in accord with a site plan map entitled "Ridgecrest Residential Site Plan," last dated January 31, 2023, and drawn by Thornton Engineering (the "Ridgecrest Site Plan" for Lot 5) (the "Ridgecrest Site Plan Application"); and

WHEREAS, for purposes of more fully assessing the potential impacts of these proposals, and given informal discussions in the past regarding potential development of the Property as a whole, the Planning Board requested that the owner of the Property inform the Town of his future plans for development of the Property, including for purposes of SEQR assessment; and

WHEREAS, on or about August 25, 2023, a further application was received from Scott Batterson relative to the Property, seeking preliminary and final subdivision of such Property, all to create an additional four residential parcels (Lots 6, 7, 8 and 9) ranging in size from approximate 1 acre to 1.1 acres, all in accord with a proposed subdivision map entitled "Plat Map, Batterson Sub'D, Phase 3," drawn by McMahon LaRue Associates, P.C., and last dated August of 2023, (the "Phase III Subdivision Plat"), as well as seeking site plan approval for said four residential lots, all in accord with proposed site plan maps entitled "Site and Grading Plan" (sheet 5 of 10), drawn by McMahon LaRue Associates, P.C, last dated August of 2023 (the "Phase 3 Site Plans") (collectively, the "Phase 3 Subdivision and Site Plan Application"); and

WHEREAS, the Town of Mendon Environmental Conservation Board has reviewed the Phase 2 Subdivision Application and, on September 6, 2023, concluded that while EPODs are present on the Property, since none are present on the lots proposed as part of Phase 2, that the Board had no objections to the proposed Phase 2; and

WHEREAS, the Town of Mendon Environmental Conservation Board has reviewed the Phase 3 Subdivision Application and, on September 10, 2023, concluded that while EPODs are present on the Property, since none are present on the lots proposed as part of Phase 3, that the Phase 3 Subdivision should be permitted; and

WHEREAS, the Planning Board has had the Applications before it for over a year, has had multiple hearings/appearances before it relative to the Applications, has requested and received additional information and revisions relative to the Applications, and has reviewed the Applications and considered the same pursuant to the Town of Mendon Code, including pursuant to Chapter 226 and per Article VIII of Chapter 260; and

WHEREAS, the Applications, collectively, represent a Type 1 Action pursuant to State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the attached EAFs Parts 2 and 3, and a negative declaration based thereon is hereby issued relative to Applications; and, be it further

RESOLVED, that the **overall subdivision is hereby conditionally approved** (comprising Phases 2 and 3), subject to revising the applicable maps as required per the conditions below (e.g., showing the required easements), and subject to recording the fully signed Phase 2 and Phase 3 Subdivision Plats with the County Clerk in accordance with the below, and a copy of the revised Phase III Subdivision Plat depicting Phase 2 and 3, unsigned, shall be filed with the Mendon Town Clerk, with a notation "Overall Phase 2 and Phase 3 Batterson Subdivision Map," which shall comprise the overall subdivision map, and the subdivision sections/phases shall be filed with the County Clerk in Sections/Phases in accordance with the below, after conditions are met they are signed; and, be it further

RESOLVED, **that Preliminary and Final Subdivision approval relative to the Phase 2 Subdivision Application is hereby issued**, all in accord with the Phase II Subdivision Plat as last revised in accordance herewith, subject to the following conditions:

1. Prior to signatures, the Phase II Subdivision Plat shall be revised as follows:
  - a. Such that all required signature blocks are added, including for the Town of Mendon Planning Board Chair and the DOH, and
  - b. Such that an easement is depicted at the frontage along Taylor Road, beginning on the north corner of Lot 5, running continuously along Taylor Road, and terminating on the south corner of Lot 3, to be labeled "Public Sidewalk and Utility Easement to the Town of Mendon (and other public entities if required)," being 20 feet in width, allowing for sidewalks and any required utilities, all to the satisfaction of the Town Engineer (the "Phase 2 Easement").
2. Prior to signatures, the signed and recordable/recorded, the Phase 2 Easement, referenced above, is provided to the Town, all to the Town Engineer's satisfaction.
3. Prior to signatures, all outstanding written comments of the Fire Marshal shall be addressed to the satisfaction of the Fire Marshal, except those items the Fire Marshal identifies as being required prior to the issuance of the Certificate of Occupancy, which items shall be identified in the Building Permit or otherwise addressed the satisfaction of the Fire Marshal.

4. Prior to signatures, all outstanding written comments of the Code Enforcement Officer shall be addressed to the satisfaction of the Code Enforcement Officer, except those items the Code Enforcement Officer identifies as being required prior to the issuance of the Certificate of Occupancy, which items shall be identified in the Building Permit or otherwise addressed the satisfaction of the Code Enforcement Officer.
5. Prior to signatures, all outstanding written comments of the Town's Engineer shall be addressed to the satisfaction of the Engineer; and, be it further

RESOLVED, that **Site Plan approval for the Battle Site Plan Application is hereby issued**, all in accord with the Battle Site Plans as last revised in accordance herewith, **and Site Plan approval for the Ridgecrest Site Plan Application is hereby issued**, all in accord with the Ridgecrest Site Plan as last revised in accordance herewith, all such approvals being subject to the following conditions:

1. Prior to signatures, that the signed Phase II Subdivision Plat is recorded with the County Clerk; and
2. Prior to signatures, that Phase 2 Easement is depicted on the Site Plans, all to the satisfaction of the Town Engineer.
3. Prior to signatures, all outstanding written comments of the Fire Marshal shall be addressed to the satisfaction of the Fire Marshal, except for those items the Fire Marshal identifies as being required prior to the issuance of the Certificate of Occupancy, which items shall be identified in the Building Permit or otherwise addressed the satisfaction of the Fire Marshal.
4. Prior to signatures, all outstanding written comments of the Code Enforcement Officer shall be addressed to the satisfaction of the Code Enforcement Officer, except for those items the Code Enforcement Officer identifies as being required prior to the issuance of the Certificate of Occupancy, which items shall be identified in the Building Permit or otherwise addressed the satisfaction of the Code Enforcement Officer.
5. Prior to signatures, all outstanding written comments of the Town's Engineer shall be addressed to the satisfaction of the Engineer; and, be it further

RESOLVED, that **Preliminary and Final Subdivision approval relative to the Phase 3 Site Plan and Subdivision Application, is hereby issued**, all in accord with the Phase III Subdivision Plat and the Phase III Site Plans as last revised in accordance herewith, subject to the following conditions:

Site Plan and Subdivision Conditions:

1. Prior to signatures on the Phase III Subdivision Plat or Phase III Site Plans, the Phase III Subdivision Plat and the Phase III Site Plans shall be revised as follows:
  - a. Such that an easement is depicted along the frontage at Mile Square Road and part of Taylor Road, beginning at or about the north corner of Lot 9 and traversing continuously along Mile Square Road and part of Taylor Road, terminating at the southeast corner side of Lot 6, such that this easement and the Phase 2 Easement create a continuous easement, and said easement to be labeled "Public Sidewalk and Utility Easement to the Town of Mendon (and other public entities if required)," allowing for sidewalks, public water, and any other required utilities, all to the satisfaction of the Town Engineer (the "Phase 3 Easement").
2. Prior to signatures on the Phase III Subdivision Plat or Phase III Site Plans, all outstanding written comments of the Fire Marshal shall be addressed to the satisfaction of the Fire Marshal, except

for those items the Fire Marshal identifies as being required prior to the issuance of the Certificate of Occupancy, which items shall be identified in the Building Permit or otherwise addressed the satisfaction of the Fire Marshal.

3. Prior to signatures on the Phase III Subdivision Plat or Phase III Site Plans, all outstanding written comments of the Code Enforcement Officer shall be addressed to the satisfaction of the Code Enforcement Officer, except for those items the Code Enforcement Officer identifies as being required prior to the issuance of the Certificate of Occupancy, which items shall be identified in the Building Permit or otherwise addressed the satisfaction of the Code Enforcement Officer.
4. Prior to signatures on the Phase III Subdivision Plat or Phase III Site Plans, all outstanding written comments of the Town's Engineer shall be addressed to the satisfaction of the Engineer.

Subdivision Only Conditions:

5. Prior to signatures, the signed and recordable/recorded Phase 3 Easement, as referenced above shall be provided to the Town, all to the Town Engineer's satisfaction.
6. A watermain and appurtenant infrastructure for the provision of water shall be required to be installed as offered by the applicant and detailed in the application, as follows: originating on the west side of Mile Square Road adjacent to Lot 9, running along Mile Square Road from the north end of Lot 9 to the southeast corner of Lot 6, all to the satisfaction of the Town Engineer. Thus, as a condition of this approval and prior to signatures on the Phase 3 Subdivision Plat, sufficient security relative such public water improvements shall be posted with the Town in accordance with law, including relative to such public water improvements, all in an amount acceptable to and as otherwise accept to the Town's Engineer.

Site Plan Only Conditions:

7. Prior to signatures on the Phase 3 Site Plans, the signed Phase III Subdivision Plat shall be recorded with the County Clerk.
8. Relative to the Phase 3 Site Plans, prior to issuance of any building permit for any homes on lots a part of the Phase III Subdivision Plat, the referenced watermain / public water improvements associated with the above Phase 3 Easement shall be fully installed in accordance with all applicable Code, law and requirements.

**MOTION**

Ms. Sayers moved, seconded by Mr. Kurkowski to approve the resolution for the Batterson Subdivision and Site Plans, Phase III; Batterson Subdivision and Battle Site Plan; and Ridgecrest Site Plan. .

**ADOPTED**

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

**PUBLIC COMMENT**

None

**GENERAL DISCUSSION**

The Board discussed the upcoming meetings.

**MOTION**

Ms. Sayers moved, seconded by Mr. DeRue to adjourn the meeting at 8:16 pm.

**ADOPTED**

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

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

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