

Unapproved

January 3, 2024

A Regular Meeting of the Planning Board was held on Wednesday, January 3, 2024 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY 14472 at 7:00 PM.

PRESENT: Lauren Smith - Chair
Charlie Krukowski
Teresa Winship
Nicole Sayers

ATTORNEY: Don Young

ABSENT: Earl DeRue

OTHERS: Town Councilperson, Brent Rosiek

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7:03 PM

MINUTES

MOTION

Ms. Sayers moved, seconded by Mr. Krukowski to approve the minutes of the November 15, 2023 Planning Board meeting.

ADOPTED

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

SCHIEFEN SPECIAL USE PERMIT AMENDMENT PUBLIC HEARING

Timothy Schiefen of Mendon Village Commons, LLC for a special use permit to operate a restaurant on property located on 1350 Pittsford Mendon Road, Mendon, NY, consisting of 2.48 acres. Tax account no. 216.02-1-8. Zoned Business.

Ms. Smith welcomed the applicant and Mr. Richard Baker to the table.

Ms. Smith opened the Public Hearing at 7:04 PM.

PUBLIC COMMENT

None

MOTION

Ms. Winship moved, seconded by Ms. Sayers to close the Public Hearing at 7:04 PM.

ADOPTED

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

Mr. Schiefen said Mr. Baker wants to reopen a restaurant in the building known as Crabby Dan's.

Mr. Schiefen said he is a graduate of HF=L and his family has owned the buildings since 1968. It was originally a garden center, but they became the only multi-business in the Town of Mendon and the only

approved shopping center.

Ms. Sayers asked if this is just for Crabby Dan's. Mr. Schiefen said yes.

Ms. Smith asked if they are making any major changes. Mr. Schiefen said no.

Ms. Smith asked how many parking spaces are available. Mr. Schiefen said there are 71 official parking spaces that are paved and lined, and there is additional parking that is not paved or lined.

Ms. Smith asked what the maximum capacity is. Mr. Schiefen said there is 48 for the whole building. Mr. Baker said there is seating for 36 inside and six outside, so 48 total.

Ms. Smith asked if the parking outside is screened and away from the parking lot. Mr. Schiefen said yes. It is shared with the ice cream place that seats 20. It is hardscaped and all pavers. He described the landscape and screening.

Mr. Baker said he used to work for Hilary Stott, and originally wanted to have dinners, but he saw Crabby Dan's available, and decided to do breakfast and lunch and fish fries on Fridays. He is considering dinners on Saturdays. It will be open Wednesday to Sunday.

Ms. Smith asked about the refuse. Mr. Schiefen said there is a shared dumpster in the rear of the plaza.

Ms. Smith asked about signs and lighting. Mr. Schiefen said there will be a sign and the restaurant, "Café Erinn" will be listed on the marquee for the plaza.

Ms. Winship asked about interior alterations. Mr. Schiefen said the bathroom will be relocated away from the kitchen, which pleased the Department of Health, and swapped for where the storage closet is located. He stated the plumbing was already there, and it was a simple relocation.

Ms. Winship stated the occupancy is by Code and the Code Enforcement Officer, Corey Gates, will assign it. Mr. Schiefen said he has been in contact with the Board of Health, and Mr. Baker said the number was given by Monroe County.

Ms. Smith said the access and the parking was addressed in the application and narrative.

Ms. Smith asked if there was a motion to approve the resolution with the condition the Building Inspector/Code Enforcement Officer's comments are adhered to.

**TOWN OF MENDON PLANNING BOARD
SPECIAL USE PERMIT DETERMINATION FOR RESTAURANT AT 1350
PITTSFORD MENDON RD., MENDON, NY**

WHEREAS, Mendon Village Commons, LLC, by its Managing Partner, Timothy A. Schiefen (the "Applicant") has filed a special use permit application to operate a restaurant (the "Application") on property at 1350 Pittsford Mendon Rd. (the "Property") at Building #9 (the "Building") (the former space of "Crabby Dan's" restaurant) in the Town of Mendon (the "Town"); and

WHEREAS, the proposal in the Application constitutes a restaurant, and Section 260-17[D](11) of the Mendon Town Code ("Code") permits a restaurant within the Business District upon the issuance of a Special Use Permit ("SUP") by the Planning Board pursuant to Article VII of the Code; and

WHEREAS, upon information and belief, a restaurant has operated at the Building on the Property for several decades; and

WHEREAS, apparently, the current Application for the special use permit proposes to operate the proposed restaurant consistent with historical operations of the former restaurant, with no changes to the Property or Building; and

WHEREAS, the Planning Board has fully reviewed and considered all submissions and information relevant to the Application, including any comments at the duly held public hearing.

NOW, THEREFORE, BE IT, RESOLVED, that the Application is a Type II Action pursuant to SEQRA at 617.5(c)(18), and thus is not subject to further SEQR review; and

BE IT FURTHER, BE RESOLVED, that, based upon the following findings, and **subject to any conditions set forth herein, the Application for a Special Use Permit for the operation of a restaurant as set forth herein, be and hereby is approved and issued to Mendon Village Commons, LLC.**

Findings of Relevant Fact:

1. The Applicant seeks a special use permit to operate a restaurant on the Property in the Building. The Property is within the Business District.
2. The proposed restaurant will operate in an existing Building that has historically housed a restaurant (formerly known as “Crabby Dan’s”).
3. No material changes have been proposed to the current Building and/or Property.
4. The parking lot serving the proposed restaurant comprises approximately 60+ parking spaces.
5. Regarding the Special Use Permit requirements at Section 260-24 of the Code, based upon the record before the Planning Board and the conditions set forth herein, the Planning Board finds as follows, particularly given the long-term historic use of the Property as a restaurant apparently without material issue, and given that the Application proposes no changes to the Property/Building:
 - a. Ingress and egress from the Property is sufficient,
 - b. Parking is sufficient,
 - c. Refuse handling is sufficient;
 - d. Utilities available are sufficient;
 - e. Screening / buffering is sufficient,
 - f. Signs and lighting are compatible with the area;
 - g. The required yard and open space is sufficient;
 - h. The Application is generally compatible with adjacent properties and other properties in the zoning district.
6. Regarding the Special Use Permit requirements at Section 260-25 of the Code, the Planning Board finds that, the Application as proposed, based upon the record, and based upon the conditions set forth herein, satisfies the same, particularly given the historical use of the Property as a restaurant, as follows:

- a. The proposed use would not endanger or tend to endanger public health, safety, morals or the general welfare of the community.
 - b. The proposed use will be in harmony with the probable future development of the neighborhood and will not discourage the appropriate development and use of adjacent land and buildings or impair their value.
 - c. The Application is proposed in a manner that would mitigate potential adverse impacts and preserve or enhance the scenic, natural or historic character of the Town.
7. Regarding the Special Use Permit requirements at Section 260-48 of the Code, the Planning Board finds that, the Application as proposed, based upon the record, and based upon the conditions set forth herein, satisfies the same.

Conditions of Approval:

1. As an ongoing condition, the Property/Building housing the restaurant shall be in accord with the most recent version of the approved site plan on file for the Property.
2. There shall be compliance with the Comments of the County of Monroe, all to the satisfaction of the Town Code Enforcement Officer.
3. There shall be compliance with the comments of the Town of Mendon Code Enforcement Officer, all to the satisfaction of the Town Code Enforcement Officer.

MOTION

Ms. Winship moved, seconded by Mr. Krukowski to approve the Schiefen Special Use Permit Amendment Resolution.

ADOPTED

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

GENERAL DISCUSSION

Mr. Rosiek advised the Planning Board if it finds situations where Code could be clearer, we are looking at Code revisions in 2024, and to give the information to Katrina during general discussion, and she will forward it on.

MOTION

Mr. Krukowski moved, seconded by Ms. Sayers to adjourn the meeting at 7:38 pm.

ADOPTED

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

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

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